# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

Evdokia Nikolova,	\$	
Plaintiff,	\$	
	\$	
V.	\$	Civil Action No.: 1:19-CV-00877
	Š	
University of Texas at Austin,	Š	
Defendant.	\$	

# APPENDIX TO DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT PART II OF II

DESCRIPTION	APPX.
Nikolova's Tenure Dossier (Depo. Ex. 39)	0243-0368
Deposition Transcripts:	
Greg Fenves Deposition Transcript	0369–0423
Christine Julien Deposition Transcript	0424-0471
Jerry Speitel Deposition Transcript	0472–0531
Evdokia Nikolova Deposition Transcript	0532–0565
Carmen Shockley Deposition Transcript	0566–0587
Ahmed Tewfik Deposition Transcript	0588–0658
Shane Thompson Deposition Transcript	0659–0672
Sharon Wood Deposition Transcript	0673–0767
Additional Evidence:	
Plaintiff's Response to Defendant's Interrogatory Request No. 4	0768-0773
Probationary, Tenure Data.xlsx placeholder page; file submitted on flash drive	0774
2019–20 ECE Faculty Annual Performance Rankings	0775–0784

#### THE UNIVERSITY OF TEXAS AT AUSTIN

#### RECOMMENDATION FOR CHANGE IN ACADEMIC RANK/STATUS

Name: <u>Nikolova, Evdokia</u> EID: <u>en4762</u> Present Rank: <u>Assistant Professor</u>
Years of Academic Service (Include AY 2018-19 in each count):
At UT Austin since: 1/1/2014 (month/day/year) Total Years at UT Austin: 5.5
In Present Rank since: 1/1/2014 (month/day/year) Total Years in Present Rank: 5.5
Tenure-track only: Number of Years in Probationary Status: 4
Additional information: Accelerated; Probationary Extension 2015-16
Primary Department: Electrical and Computer Engineering
College/School: Engineering, Cockrell School of
Joint Department: <u>N/A</u>
College/School: N/A
Other Department(s): N/A
Recommendation actions <sup>1</sup> :
By Budget Council/Executive Committee: Promote
Vote <sup>2</sup> for promotion 32; Against 1; Abstain 2; Absent 0; Ineligible to vote 2
By Department Chair: <u>Promote</u>
By College/School Advisory Committee: Promote
Vote <sup>2</sup> for promotion 7; Against 0; Abstain 0; Absent 0; Ineligible to vote 0
By Dean: <u>Do Not Promote</u>
Administrative Action: Promotion Denied
Date Action Effective: September 1, 2019 (To be submitted to the Board of Regents as part of the annual budget.)  By:  Date: February 15, 2019
FOI the restacht

EVPP/4.15

<sup>&</sup>lt;sup>1</sup>See "Chart of Recommended Actions" for eligible recommended actions applicable to specific conditions and administrative levels.

<sup>2</sup>Record all votes for and against promotion, abstentions by eligible voting members, and the number of absent eligible voting members. The number of committee members ineligible to vote should also be recorded. Enter zero where it would otherwise be blank.



# Dean's Assessment Evdokia V. Nikolova

Department of Electrical and Computer Engineering Cockrell School of Engineering

Dr. Evdokia Nikolova received her BA in applied mathematics with economics from Harvard University in 2002, an MS in computer science from Harvard in 2002, an MS in mathematics from Cambridge University in 2003, and a PhD in electrical engineering and computer science from the Massachusetts Institute of Technology in 2009. She was a post-doc at MIT for two years before joining the faculty in the Department of Computer Science and Engineering at Texas A&M University in September 2011.

In January 2014, she joined the faculty in the Department of Electrical and Computer Engineering (ECE) at UT Austin as an assistant professor. If promoted to associate professor in September 2019, she will have accumulated four years of probationary service at UT Austin. However, Dr. Nikolova will have served a total of eight years in rank as an assistant professor (2.5 years at Texas A&M and 5.5 years at UT Austin). The budget council in the Department of Electrical and Computer Engineering felt that her total time in rank was sufficient to warrant consideration for promotion this year. The Cockrell School's promotion and tenure committee agreed with this assessment.

2011-12	Texas A&M		
2012-13	Texas A&M		
2013-14	Texas A&M	UT Austin	
2014-15	UT Austin		
2015-16	Simons Institute (UC Berkeley)	Modified Instructional Duties	
2016-17	UT Austin		
2017-18	UT A	ustin	

Dr. Nikolova's research is at the intersection of operations research, theoretical computer science, and computer engineering. Her recent work has led to refinement of network routing algorithms to include uncertainty and risk aversion, with application to transportation networks and smart grids. Her work is directly related to one of the Cockrell School's crosscutting themes: modeling and simulation of complex systems and networks.

Nine external letters were submitted as part of the promotion dossier, with five letter writers selected by the budget council. All letter writers are current or former faculty members at peer universities in the US. One reviewer is a member of the National Academy of Engineering (NAE). One additional letter was requested, but the individual did not respond.

#### **Teaching**

While in rank, Dr. Nikolova taught one core undergraduate course and two graduate electives. During her first three semesters teaching, Dr. Nikolova's instructor ratings were 4.1 and 4.3 at the graduate level and 4.0 at the undergraduate level. These are quite strong for a new assistant professor, and indicated that she has the ability to engage her students in the classroom.

Dr. Nikolova did not teach during the 2015-16 academic year,¹ and since then her instructor ratings have fallen. In her three most recent courses, her instructor ratings have ranged from 3.7 to 3.9.² Dr. Nikolova attributed her reduced scores to the quality of her teaching assistants. Of particular note, Dr. Nikolova indicated that the teaching assistants are responsible for "creating and grading the homework and programming assignments." Dr. Nikolova's statement contradicts the philosophy within the Cockrell School that the faculty member is responsible for all aspects of the course, and critical aspects, such as developing assignments, should not be delegated to teaching assistants.

In their comments, the students did complain about grading of the programming assignments, but they also provided extensive comments about how the classes could be improved. One undergraduate student even provided a comprehensive recommendation for revising the syllabus for EE 360C. Dr. Nikolova did not address these comments in her teaching statement.

#### Research

Key metrics documenting Dr. Nikolova's publication and external funding record are summarized below:

- 12 peer-reviewed proceedings at conferences in rank at UT (6 in rank at Texas A&M, 30 total).<sup>3</sup> She published 10 conference papers with her students/post-docs at UT.
- 3 archival journal publications in rank at UT (4 total). She published one journal paper with her post-docs at UT.
- She has published papers in highly selective conferences related to algorithmic game theory and artificial intelligence, including ACM Conference on Economics and Computation (ACM EC) and International Joint Conference on Artificial Intelligence (IJCAI).
- She also published in high impact journals related to operations research, most notably *Operations Research* (IF=2.26).
- An h-index of 17 (Google Scholar) and 994 citations.<sup>4</sup>

While in rank at UT Austin, Dr. Nikolova secured two research grants totaling \$1.2 million in external funding (her share is \$0.9 million) from the National Science Foundation (NSF). As an assistant professor at Texas A&M, Dr. Nikolova secured three research grants (\$1.4 million total, \$0.7 million her share) from NSF and industry.

Dr. Nikolova is the sole PI on two grants from NSF and a Faculty Research Award from Google. Both of the other two awards from NSF include multiple investigators. Dr. Nikolova is the PI on one, and co-PI on the other. One of her current awards from NSF extends beyond the end of the 2018-19 academic year.

<sup>&</sup>lt;sup>1</sup> She participated in the Economics and Computation workshop at the Simons Institute for the Theory of Computing at UC Berkeley during the 2015 fall semester, and was scheduled to teach two classes in the 2016 spring semester. However, she became pregnant during the 2015 fall semester and was assigned modified instructional duties during the 2016 spring semester.

 $<sup>^2</sup>$  16.5% of the instructor ratings for T/TT faculty in the Cockrell School are 3.7 or below.

<sup>&</sup>lt;sup>3</sup> Refereed conference papers in highly selective conferences are the primary mechanism for disseminating research results in the field of computer science.

<sup>&</sup>lt;sup>4</sup> Dr. Nikolova's most highly cited paper has 132 citations and is based on work completed during her graduate studies at MIT. Her most highly cited paper based on work conducted at UT Austin has 42 citations.

While Dr. Nikolova's external funding has come from highly competitive sources, approximately 70% of her funding was awarded during her first three years in rank. Only one grant has been awarded in the past four academic years. This raises questions about the sustainability of her research funding.

The letters from the external reviewers were uniformly positive and addressed technical quality of Dr. Nikolova's work, which is described as being rigorous and mathematically sound. Several referred to her leadership role in organizing the Real-Time Decision Making workshop at the Simons Institute for the Theory of Computing at UC Berkeley during the 2018 spring semester.

#### Advising and Student Mentoring

Dr. Nikolova graduated one PhD in rank at UT Austin<sup>5</sup> and she mentored one postdoctoral fellow. She is currently advising six PhD students (two are co-supervised) and one postdoctoral fellow.

#### **University Service**

Dr. Nikolova's service to the university has primarily been related to faculty recruiting and graduate student recruiting.

#### **Professional Service**

Dr. Nikolova was one of five organizers for the semester-long workshop on real-time decision making at the Simons Institute for the Theory of Computing at UC Berkeley during the 2018 spring semester.<sup>6</sup> She also was the lead organizer for a week-long program, "Mathematical and Computational Challenges in Real-Time Decision Making," which was part of the workshop.

Dr. Nikolova has also served on thirteen technical program committees for conferences in algorithmic game theory, theoretical computer science, and artificial intelligence.

#### Other Evidence of Merit or Recognition

Dr. Nikolova received a CAREER award from the National Science Foundation in 2014 and a Faculty Research Award from Google in 2013.<sup>7</sup> She and a graduate student were recognized with a best paper award at the IEEE International Conference on Acoustics, Speech and Signal Processing in 2018.

#### **Overall Assessment**

Dr. Nikolova has a strong publication record, she has received two prestigious awards, and she is actively engaged with the Simons Institute for the Theory of Computing at UC Berkeley.<sup>8</sup> However, her teaching record is modest and the budget council expressed concerns about her relatively weak engagement in the department.

As noted previously, the Promotion and Tenure committee strongly supported Dr. Nikolova's case. They noted the uniform support for her innovative research, and felt that her teaching was a minor concern.

 $<sup>^{\</sup>rm 5}$  She did not graduate any PhD or MS students at Texas A&M.

<sup>&</sup>lt;sup>6</sup> The other four organizers were tenured faculty members at Caltech, Stanford, and UC Berkeley.

<sup>&</sup>lt;sup>7</sup> Approximately 15% of the proposals are funded by Google.

 $<sup>^8</sup>$  As noted on their website, "The Simons Institute for the Theory of Computing is the world's leading venue for collaborative research in theoretical computer science."

If this were an up-or-out case, I would likely agree with the recommendation of the Promotion and Tenure committee. However, Dr. Nikolova is being considered for promotion at UT Austin two years early. I do not believe that she has taken responsibility for improving her teaching, and I have concerns about the sustainability of her research program. These concerns are compounded by the fact that both her teaching and her external funding have dropped since she spent the 2015 fall semester at UC Berkeley.

As such, I do not believe that Dr. Nikolova's performance meets expectations for early promotion to associate professor.

Sharon L. Wood, Dean 20 November 2018



#### ELECTRICAL AND COMPUTER ENGINEERING DEPARTMENT

Cockrell School of Engineering

2501 Speedway · EER Building · Austin, Texas 78712-0240 (512) 471-6179 Fax (512) 471-3652 http://www.ece.utexas.edu

October 29, 2018

# Chair's letter in support of the promotion of Prof. Evdokia Nikolova to the rank of associate professor with tenure

Prof. Nikolova joined the Department of Electrical and Computer Engineering in January 2014. If promoted to associate professor in September of 2019, she will have served as an assistant professor at the University of Texas at Austin for five years. This is therefore technically an early promotion case—particularly because she has received an extension of her probationary period. However, she began her academic career at Texas A&M University as an assistant professor in August 2011. Her case would not be early if these two years of service are considered. I also note that when we recruited her, Evdokia requested to be considered for promotion at UT around the time that she would have been eligible for promotion at Texas A&M University. She has also asked to be considered for promotion in the last couple of years and may be seeking opportunities outside UT.

Evdokia is an emerging pioneer studying optimization and game theory applications that involve the human element and risk aversion. The Budget Council recognized her strong accomplishments and potential and determined that she meets all expectations for promotion at the premier departments of Electrical and Computer Engineering in the nation by a vote of 32 YES, 1 NO, 2 ABSTAIN and 2 INELIGIBLE TO VOTE. The ineligible votes are Prof. Mark Smith's and mine. Our associate professors voted 10 YES, 0 NO and 0 ABSTAIN in support of promotion. My colleagues expressed support for Evdokia during the promotion discussion and in the anonymous comments submitted with the vote. A couple of professors raised concerns about her relatively weak engagement in the department and the wireless communications and networking center (WNCG) to which she belongs. I attribute the negative vote and abstentions to these concerns.

#### Third Year Review

Prof. Nikolova's third year review was conducted last year (2017-2018 academic year) because of the extensions to her probationary period. The committee that conducted the review said that she has "a solid research program in game theory, distributed optimization, and algorithms. She has achieved notable success in funding and has the expected productivity in terms of papers and students. Her teaching is valuable to the department and well-rated at both the undergraduate and graduate levels. Her service record is appropriate for an Assistant Professor. For her promotion case to be as strong as possible, it would be good to graduate a PhD student and slightly increase her publication output. Post-tenure, it would be good for her to become more actively involved in leadership activities internally and externally."

Given that the third-year evaluation was so close to the submission of her promotion case, it's unrealistic to expect that Evdokia would have addressed some of the suggestions in the third-year review by this time. However, I do note that one of Evdokia's graduate students did successfully

defend his PhD thesis in the spring of 2018 and graduated last month. Three of her conference papers in selective conferences were also accepted for publication after the review.

#### **Teaching Load of Assistant Professors**

The normal teaching load for a tenure-track assistant professor is two courses per academic year plus supervision of a senior design team for two semesters. One of the courses must be an undergraduate course. This requirement is waived only under exceptional circumstances if the department has unmet needs at the graduate level. Faculty in the department are routinely given modified instructional duties upon the birth of a child.

Evdokia was given an unbalanced teaching load in the academic year 2015-2016 to attend the workshop on Economics and Computation at the Simons Institute for the Theory of Computing at UC Berkeley in the fall of 2015. The workshop raised her visibility in the research community and helped her broaden her research portfolio. The workshop also provided her with the experience needed to organize a follow-up workshop on real-time decision-making at the same institute in the spring semester of 2018. Several reference letter writers refer to one or both workshops in their letters. Evdokia became pregnant during the fall of 2015 and was given modified instructional duties in the spring semester of 2016. She therefore didn't teach during the academic year 2015 – 2016.

## **Teaching**

Evdokia's instructor course evaluation scores don't paint a complete picture of her passion for teaching. Her scores in EE360C: algorithms, an upper division course that roughly 60% of our undergraduate students take, range from a low of 3.7 to a high of 4.0. While these scores are below the median ratings for assistant professors in general, they are in line with the average instructor scores for this course, clearly indicating a need to continue to improve delivery of the material in the course. Evdokia uses a combination of PowerPoint presentations and whiteboard to present topics in the class. She also alternates between presenting theoretical material and problem solving. Students praise her for being a "good teacher," "easily reachable," and "enthusiastic." Yet other students wished that "she had more office hours" and complained about the lectures not being exciting, ineffective teaching assistants and her whiteboard writing.

It's important to note that Evdokia made some transformative changes to the delivery of EE360C that have had a positive effect on the students that she has taught and those who have had the course from other instructors as these instructors adopted Evdokia's innovations. For example, Evdokia pioneered the use of team teaching in this course, a technique that is used in several of our courses and in which all sections of a given course are delivered in synchrony with the same problem sets and exams. Together with our colleague David Soloveichik, she introduced optional recitation sections that help the students master the material. Furthermore, she introduced the concept of "Lunch with the professors" to break the barrier between students and instructors.

Her graduate courses instructor scores also range from a low of 3.9 to a high of 4.1, again below the median ratings for assistant professors in graduate courses. She earned these scores in two graduate courses that she introduced, which were much needed across all of UT. One of these courses is an advanced algorithm course that covers approximation algorithms. The second course is a game theory course. It's noteworthy that Evdokia made a concerted effort to integrate real-world applications into these two courses that cover extensive abstract topics. It's also interesting to note that student comments in the two courses are somewhat similar to the comments that she has received in EE360C, with many students praising her energy level and

enthusiasm and others complaining about boring classes and solutions to homework not being provided in a timely manner.

I also note that Evdokia has lectured in our Edison lecture series and camp Texas. The Edison Lecture Series is a program for middle and high school students funded by the department that showcases potential careers in electrical and computer engineering. Through interactive lectures, students learn how electrical and computer engineers make a difference in the world. Since we established this program in 2005, we have reached over 26,000 young people.

As mentioned earlier, Evdokia graduated one PhD student in rank. She has also supervised one post-doctoral researcher while in rank. That researcher is now a lecturer at the National Technical University of Athens.

#### Research

Evdokia's research is unique in that it incorporates human risk aversion into complex optimization problems with deep societal and policy-making impacts. This is an emerging area of research in operations research, electrical and computer engineering and computer science that is gaining importance as more sensors are embedded in infrastructures, mobile devices, humans and means of transportation. Evdokia's research provides alternatives to the solutions provided, for example, by Google maps, Apple maps or Waze to the problem of finding the best path between one's home and the airport. Her solutions take into account the risk tolerance or aversion of the user. For example, her algorithms can provide a suggested route that will guarantee that the user arrives at her destination at a given time as opposed to the solution provided by Google maps which may involve an expected shorter travel time but with a high degree of variability that in a worst-case may lead to the user missing her flight.

Evdokia's work stands out because, unlike most research in optimization and game theory that focuses on computational efficiency issues, she studies how to incorporate risk in deriving the optimal solutions to a given problem, and the impact of risk and incentives on the answer to a given policy question, and on algorithms and their performance.

Evdokia is perhaps best known for her pioneering works on finding shortest paths under uncertainty and with random model parameters and on characterizing the loss of performance in a route network when risk affects the decision-making of individual users of the network. Prof. Goel (Stanford) notes that the work had "the largest influence on" his "own thinking." The work showed how to correctly incorporate risk into an analysis of the algorithms, and in particular incentives. Most importantly, it also quantified the effect of risk on the performance of any network in which individual users independently select their routes in the presence of risk. The work achieved considerable visibility as measured by citation standards in the subarea. Prof. Shmoys (Cornell) states that the work "is technically non-trivial and provides clear insights into the trade-offs exposed by this elegant framing of the question." He also notes that "the modeling aspects and mathematical structure results combined to provide clear insights into a central problem in routing control, and with the rise of at least traffic routing, the importance of these results is ever-increasing."

Her more recent work on setting tolls on road segments has also attracted considerable attention despite its young age. Specifically, Evdokia studied the problem of having multiple independent operators set tolls on the segments they own to maximize their profit. Users select their routes to minimize travel time and costs. Travel times, of course, depend on segment congestion, i.e., utilization by other users. She then proceeds to identify an optimal solution in which no toll operator can gain from changing the toll on a segment it owns given that users try to minimize travel time and cost. The work led to a surprising conclusion: imposing an upper bound on how

much a toll operator can charge on a given link leads to an optimal traffic assignment such that any change in the toll on any given segment will lead to a higher travel time plus cost for at least one user. In fact, with no caps on tolls, the route network will inevitably be utilized in a sub-optimal manner. The work appears to be the first to study this problem in its full generality. Prof. Yannakakis (Columbia) describes the work as "very nice." Prof. Schultz (TU München) notes that the work "shows how proper mathematical analysis may influence policy making."

I also note that Evdokia has begun to investigate the efficiency of the electric distribution grid. This line of work is very timely as more customers install solar panels or generate electricity from renewable sources. She has already produced interesting results on the use of incentives to balance supply and demand, the use of electric vehicles to store energy and rebalance the grid and strategies for upgrading distribution networks. Given her track record, experts expect her to have a deep impact on the field as exemplified by the following statement from Prof. Van Hentenryck (Georgia Tech), "her skills may bring some fundamentally new insights that will help shape the future of electricity networks."

Prof. Nikolova is well funded by highly competitive peer-reviewed grants and industry.

Our department has adopted the practice of comparing each colleague with her or her most prominent peers at the first-tier departments in Electrical and Computer Engineering, such as MIT, Stanford, the University of California Berkeley, the University of Illinois Urbana-Champaign (UIUC), Georgia Tech, Caltech and Princeton. I selected Associate Profs. Seth Pettie (U. Michigan), Anup Rao (U. Washington) and Vineet Goyal (Columbia) to be the peer comparison group for Evdokia. Pettie, Rao and Goyal were promoted to the rank of associate professor with tenure in 2012, 2016 and 2017 respectively. Evdokia compares very favorably to all three associate professors at the time of their promotion. Indeed, we estimate the Google hindices of all three associate professors at the time of their promotion to be in the 15-16 range. The citation counts for Pettie and Rao at the time of promotion are estimated to be slightly lower than Evdokia's while that of Goyal is substantially lower. All letter writers explicitly mention the high quality of her work. Prof. Van Hentenryck notes that she has "pioneered new concepts and developed their foundations with fundamentally new insights," bridging "different areas of the field." Prof. Jaillet (MIT) summarizes the sentiment of the letter writers when he states that "her record is on par with recently tenured cases that I have been asked to review (at Georgia Tech, USC, MIT and Northwestern.)"

	PhD	Promoted	Publications in top venues at promotion	H Index	Citations
Seth Pettie (Michigan)	2004	2012	15	24	2259
Vineet Goyal (Columbia)	2008	2017	14	17	737

Anup Rao (MIT)	2007	2016	14	19	1490
Evdokia Nikolova	2009		16 (in rank)	17	970
(UT Austin)					

#### Service

Evdokia has provided reasonable service to the department. As noted by some of my colleagues during the BC discussions, her level of involvement in the department has been lower than average. However, this is not a concern as it's mainly due to her personal circumstances at this stage of her life.

## **Summary**

Evdokia is a good teacher who cares about the students and an accomplished researcher who as noted by Prof. Van Hentenryck "is a remarkable scientist with a strong case for tenure and promotion. She would certainly have received tenure at all the institutions I have been affiliated with [Brown, Michigan, Georgia Tech]." I strongly endorse her promotion to associate professor with tenure.

Sincerely,

Prof. Ahmed H. Tewfik

Cockrell Family Regents Chair in Engineering

Chairman, Department of Electrical and Computer Engineering

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# Third-Year Review of Dr. Evdokia Nikolova Assistant Professor of Electrical and Computer Engineering

May 30, 2018

This third-year review for Prof. Nikolova covers her research, teaching, and service to The University of Texas at Austin during the three academic years from Jan. 2014 to present, inclusive. Prof. Nikolova joined UT Austin as an Assistant Professor of Electrical and Computer Engineering (ECE) in Jan. 2014. Before that, from Aug 2011 – Jan. 2014 she was an Assistant Professor in Computer Science and Engineering at Texas A&M University. Before that she was a postdoc at MIT from 2009-11. Her PhD was from MIT with Prof. David Karger serving as her Advisor.

## **Teaching**

Prof. Nikolova has taught the following courses at UT Austin while in rank:

Semester	Course	# Surveys /	Overall	Overall Course
		Enrollment	Instr. Rating	Rating
Spr 2014	EE381V Game Theory	14/16	4.1	4.1
		(paper)		
Fall 2014	EE360C Algorithms	42/61	4.0	3.7
		(paper)		
Spr 2015	EE381V Advanced Algorithms	19/22	4.3	4.1
		(paper)		
Fall 2016	EE360C Algorithms	38/82	3.9	3.4
		(paper)		
Spr 2017	EE381V Advanced Algorithms	16/26	3.9	3.5
		(paper)		

Prof. Nikolova has introduced two new graduate courses thus far, both with the placeholder number of EE381V. These are a class on Game Theory, and another on Advanced Algorithms. Her 2017 Advanced Algorithms class had a peer review performed by Prof. Caramanis, that found the class to be taught at a high and challenging level, with effective instruction. The enrollment of 26 students is quite strong for an advanced graduate class of this type.

Prof. Nikolova has been teaching EE360C Algorithms at the undergraduate level, which is a required class for many ECE majors. Her ratings are right around 4.0 which is strong for a required undergraduate class.

She has also supervised Senior Design teams each year, including one team that achieved 3<sup>rd</sup> place in the annual design competition.

#### Research

Two important measures of an ECE professor's research output are (1) quality and impact of peer-reviewed publications, and (2) quality and impact of PhD students graduated.

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At UT Austin, since 2014 Prof. Nikolova has published two peer-reviewed journal papers; an additional one is accepted for publication and forthcoming. However, in her research area (algorithms, game theory, etc.), a much bigger emphasis is placed on conference papers; while at UT, she has published ten such conference papers at venues such as ACM EC'15 (33% acceptance rate), IJCAI'16 (24% acceptance rate), AAAI'16 (26% acceptance rage), AAAI'15 (27% acceptance rate) and MobiHoc'18 (17% acceptance rate). Since her PhD in 2009, Prof.Nikolova has three published journal papers¹ and seventeen conference papers. While at UT (Fall 2014-Fall 2017), she has given 23 invited talks and seminars at top universities and research institutes around the world, including 3 keynote talks. Considering her time as an assistant professor at Texas A&M University (Fall 2011-Fall 2017), this total rises to 37 invited talks as an assistant professor.

Once an ECE faculty member has built his/her research group, he/she is expected to graduate about one PhD student each year on average. The table below shows the status of the graduate student pipeline for Prof. Nikolova. She has a full pipeline of PhD-bound students, and appears ready to graduate one or more PhD students per year starting 2018. In addition, she supports one post-doctoral researcher.

Name	Status	Highest Degree	Years UT	PhD Qual Exam	Co-Advisor (if any)
Ger Yang	Full-Time	BS	3		
Soumya Basu	Full-Time	MS	3		Yes S. Shakkottai
Ali Khodabakhsh	Full-Time	MS	2		
Eirini Asteri	Full-Time	BS	1		Yes C. Caramanis A. Dimakis

Research funding enables support of graduate students to conduct research. Prof. Nikolova received the NSF CAREER award in May of 2014. She has also been the PI on two additional NSF awards and the co-PI on yet another. In her time as an assistant professor (since Fall 2011, which includes three years at Texas A&M University), Prof. Nikolova has contributed to the acquisition of \$1,526,379 in external research funding; of this her "share" is \$1,169,379. This includes three grants from NSF and one from Google Research, all of which are highly competitive.<sup>2</sup>

#### Service

Prof. Nikolova has a solid service record both externally and internally for someone pre-tenure at UT Austin. Externally, she has served on the program committees for the ACM conference on Economics and Computation as well as the Conference on Artificial Intelligence, amongst several other conferences. She has been an NSF Panelist 3 times, and helped organize several workshops on real-time decision making and algorithmic game theory.

Within UT, she has co-taught the Edison Lecture on "Computing for Green", as well as serving on several internal committees such as the Junior Faculty Hiring Committee (2015-17), the DICE Admissions Committee (every year), and the Women in Engineering Faculty Committee (2015-17).

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# **Summary**

Dr. Nikolova has established a solid research program in game theory, network optimization, and algorithms. She has achieved notable success at funding, and has the expected productivity in terms of papers and students. Her teaching is valuable to the department and well-rated at both the undergraduatge and graduate levels. Her service record is appropriate for an Assistant Professor. Post-tenure, it would be good for her to become more actively involved in leadership activities internally and externally.

Signed on behalf of the 2017-8 ECE Department Peer Evaluation Committee:

Prof. Ananth Dodabalapur (Chair)

J. A. W

#### Committee:

Jeffrey Andrews, Ray Chen, Lizy John, Christine Julien, Dean Neikirk, Michael Orshansky, Surya Santoso

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<sup>&</sup>lt;sup>1</sup> Including her forthcoming paper in Mathematics of Operations Research.

<sup>&</sup>lt;sup>2</sup> This excludes a new NSF award with a 10/1/17 start date.

# THE UNIVERSITY OF TEXAS AT AUSTIN Cockrell School of Engineering Standard Resume

FULL NAME:	<u> </u>	TITLE:	<u>Assistant Professor</u>
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**DEPARTMENT:** Electrical and Computer Engineering

#### **EDUCATION:**

Massachusetts Institute of Technology	Electrical Engineering and Computer Science	Ph.D.	2009
Cambridge University	Mathematics	M.S.	2003
Harvard University	Computer Science	M.S.	2002
Harvard University	Applied Mathematics with	B.A.	2002
•	Economics		

#### PROFESSIONAL REGISTRATION, LICENSURES, CERTIFICATIONS: N/A

#### **CURRENT AND PREVIOUS ACADEMIC POSITIONS:**

University of Texas at Austin	Asst. Professor	2014-present
Texas A&M University	Asst. Professor	2011-2013
Massachusetts Institute of Technology	Postdoctoral Associate	2009-2011

## OTHER PROFESSIONAL EXPERIENCE:

IBM Research	Visiting Professor	June 2012-Aug 2012
Google Research	Research Intern	July 2007-Aug 2007
Yahoo! Research	Research Intern	May 2006-Aug 2006
Mitsubishi Electric Research Labs	Research Intern	May 2005-Aug 2005
Mitsubishi Electric Research Labs	Research Intern	May 2004-Aug 2004
National Bureau of Economics Research	Research Assistant	Jan 1999-Jan 2001

**CONSULTING: N/A** 

# HONORS AND AWARDS:

In rank - UT Austin

• NSF CAREER, 2014

In rank - Texas A&M

Google Faculty Research Award, 2013.

# In previous rank (prior to UT Austin and Texas A&M)

- Doctoral Fellowship in the Mathematical Sciences, American Foundation for Bulgaria (2006-2007)
- Presidential Fellowship, MIT (2003-2004)
- Herchel Smith Harvard Fellowship for 1 year study at Cambridge University, England (2002-2003)
- John Harvard and Elizabeth Cary Agassiz Scholarship, Harvard University (1998-2002)
- Flora Burt Fellowship, Harvard University (for travel in Argentina) (Aug-Sep. 2001)
- Detur Book Prize, Harvard University (1999)

- Third place, Euclid Mathematical Contest, British Columbia, Canada (1997)
- Fifth place nationwide, Bulgarian National Mathematics Olympiad (1996)
- First place, Journal "Matematika" national tournament, Bulgaria (1991)

#### MEMBERSHIPS IN PROFESSIONAL AND HONORARY SOCIETIES:

Association for Computing Machinery (ACM) Member (2011-present)

#### **UNIVERSITY COMMITTEE ASSIGNMENTS:**

Departmental-	ECE Junior Faculty Hiring Committee	2016-2017
	ECE Junior Faculty Hiring Committee	2015-2016
	ORIE Junior Faculty Hiring Committee	2015-2016
	DICE PhD Admissions Committee	2014-present

#### PROFESSIONAL SOCIETY AND MAJOR GOVERNMENTAL COMMITTEES:

- Conference program committees:
  - 1. European Symposium of Algorithms (ESA) 2017.
  - 2. ACM Conference on Economics and Computation (EC) 2018, 2017, 2014, 2013, 2012, 2010.
  - 3. Conference on Artificial Intelligence (AAAI) 2017, 2016, 2013.
  - 4. International World Wide Web Conference (WWW) 2017, 2012.
  - 5. Conference on Web and Internet Economics (WINE) 2015.
- Federal funding agency review panels:
  - 1. NSF Panelist (April 2015, January 2014, April 2012).
  - 2. NSF STC (Science and Technology Centers) Competition, October 2012
- International funding agency reviewer:
  - 1. FONDECYT (NSF equivalent in Chile), November 2011.
- Paper reviewer:
  - Journals: SIAM Journal of Computing, Theoretical Computer Science, Algorithmica, ACM Transactions on Economics and Computation (TEAC), Journal of Autonomous Agents and Multi-Agent Systems (JAAMAS), Operations Research, Operations Research Letters, Mathematical Programming, Mathematics of Operations Research, Transportation Science, IEEE Transactions on Automatic Control.
  - 2. Conferences: ACM Symposium on Theory of Computing (STOC), ACM-SIAM Symposium on Discrete Algorithms (SODA), ACM Conference on Economics and Computation (EC), Conference on Web and Internet Economics (WINE), International Symposium on Algorithmic Game Theory (SAGT), International Colloquium on Automata, Languages and Programming (ICALP), International Symposium on Theoretical Aspects of Computer Science (STACS), ACM Symposium on Parallel Algorithms and Architectures (SPAA), Conference on Decision and Control (CDC), MIT Oxygen Student Conference.
- Workshop Co-organizer:
  - Simons semester on "Real-time Decision Making," Spring 2018, Simons Institute for the Theory of Computing, Berkeley CA.
  - 2. Workshop on "Mathematical and Computational Challenges in Real-Time Decision Making," Apr. 30—May 4, 2018, Simons Institute for the Theory of Computing, Berkeley CA.
  - 3. Workshop on "Real-Time Decision Making", June 27—July 1, 2016, Simons Institute for the Theory of Computing, Berkeley CA.
  - 4. Winedale workshop on "Algorithmic Game Theory," Winedale, TX, October 17, 2014.
  - 5. "Workshop on Risk Aversion in Algorithmic Game Theory and Mechanism Design" in conjunction with the ACM Conference on Electronic Commerce (EC), Valencia, Spain, June 7, 2012.

#### **COMMUNITY ACTIVITIES:**

- Co-taught the Edison Lecture Series to over 1000 middle-school and high-school students on February 11-12, 2016, Austin, TX.
- Speaker at Camp Texas (for incoming UT freshmen), Camp Balcones Springs, Texas, August 17, 2014;
   August 18, 2015; August 16, 2016.

#### PUBLICATIONS: (Student co-authors listed in **bold**.)

A. Refereed Archival Journal Publications

In previous rank (prior to UT Austin and Texas A&M)

J1. A. Hall, E. Nikolova, and C. Papadimitriou. "Incentive-Compatible Interdomain Routing with Linear Utilities," in Internet Mathematics, vol. 5(4), pp. 395-410, January 2008. https://doi.org/10.1080/15427951.2008.10129169

In rank – UT Austin

- J2. E. Nikolova, N.E. Stier-Moses. "A Mean-Risk Model for the Traffic Assignment Problem with Stochastic Travel Times," in Operations Research, vol. 62(2), pp. 366-382, April 2014. https://doi.org/10.1287/opre.2013.1246
- J3. G. Piliouras, E. Nikolova, and J. S. Shamma. "Risk Sensitivity of Price of Anarchy under Uncertainty," in ACM Transactions on Economics and Computation (TEAC), vol. 5(1), pp. 5:1-5:27, November 2016. https://doi.org/10.1145/2930956
- J4. **T. Lianeas**, E. Nikolova, N. E. Stier-Moses. "Risk-averse selfish routing," Forthcoming in Mathematics of Operations Research. (Accepted September 2017)
- B. Refereed Conference Proceedings

In previous rank (prior to UT Austin and Texas A&M)

- C1. D. Karger and E. Nikolova. "Brief Announcement: On the Expected Overpayment of VCG Mechanisms in Large Networks," Invited paper in Conference on Decision and Control (CDC), 2006. Brief Announcement in PODC 2005, pp. 126-126, Las Vegas, NV, July 17-20, 2005. Accepted presentation to DIMACS Workshop on Computational Issues in Auction Design, October 2004. https://doi.org/10.1145/1073814.1073836
- C2. N. Immorlica, D. Karger, E. Nikolova, and R. Sami. "First-Price Path Auctions," In Proceedings of ACM Conference on Electronic Commerce (ACM EC), pp. 203-212, Vancouver, BC, Canada, June 5-8, 2005. (Acceptance Rate: 28%)

https://doi.org/10.1145/1064009.1064031

C3. E. Nikolova, J. Kelner, M. Brand, M. Mitzenmacher. "Stochastic Shortest Paths via Quasi-convex Maximization," In Proceedings of 2006 European Symposium of Algorithms (ESA), pp. 552-563, Zurich, Switzerland, September 11-13, 2006. (Acceptance Rate: 24%)
<a href="https://doi.org/10.1007/11841036">https://doi.org/10.1007/11841036</a> 50

- C4. E. Nikolova, M. Brand, and D. Karger. "Optimal Route Planning under Uncertainty," In Proceedings of 2006 International Conference on Automated Planning & Scheduling (ICAPS), pp. 131-140, Cumbria, UK, June 6-10, 2006. (Acceptance Rate: 33%)
  - https://www.aaai.org/Papers/ICAPS/2006/ICAPS06-014.pdf
- C5. Hall, E. Nikolova, and C. Papadimitriou. "Incentive-Compatible Interdomain Routing with Linear Utilities," In Proceedings of the 3rd International Workshop on Internet and Network Economics (WINE), pp. 232-244, San Diego, California, December 12-14, 2007. https://doi.org/10.1007/978-3-540-77105-0\_23
- C6. E. Nikolova and R. Sami. "A Strategic Model for Information Markets," In Proceedings of the Eighth ACM Conference on Electronic Commerce (ACM EC), pp. 316-325, San Diego, California, June 11-15, 2007. (Acceptance Rate: 27%)
  - https://doi.org/10.1145/1250910.1250956
- C7. Y. Chen, L. Fortnow, E. Nikolova, and D. Pennock. "Betting on Permutations," In Proceedings of the Eighth ACM Conference on Electronic Commerce (ACM EC), pp. 326-335, San Diego, California, June 11-15, 2007. (Acceptance Rate: 27%)
  - https://doi.org/10.1145/1250910.1250957
- C8. J.A. Kelner and E. Nikolova. "On the Hardness and Smoothed Complexity of Quasi-concave Minimization," In Proceedings of 48th Annual IEEE Symposium on Foundations of Computer Science (FOCS), pp. 472-482, Providence, RI, October 21-23, 2007. (Acceptance Rate: 22%) <a href="https://doi.org/10.1109/FOCS.2007.68">https://doi.org/10.1109/FOCS.2007.68</a>
- C9. E. Nikolova and D.R. Karger. "Route Planning under Uncertainty: the Canadian Traveler Problem," In Proceedings of the Twenty-Third Conference on Artificial Intelligence (AAAI), pp. 969-974, Chicago, Illinois, July 13-17, 2008. (Acceptance Rate: 24%) <a href="http://www.aaai.org/Papers/AAAI/2008/AAAI08-154.pdf">http://www.aaai.org/Papers/AAAI/2008/AAAI08-154.pdf</a>
- C10. J. Feldman, S. Muthukrishnan, E. Nikolova, M. Pal. "A Truthful Mechanism for Offline Ad Slot Scheduling," In Proceedings of the First International Symposium on Algorithmic Game Theory (SAGT), pp. 182-193, Paderborn, Germany, April 30-May 2, 2008. https://doi.org/10.1007/978-3-540-79309-0\_17
- C11. E. Nikolova. "High-performance Heuristics for Optimization in Stochastic Traffic Engineering Problems," In Proceedings of the Seventh International Conference on Large-Scale Scientific Computing (LSSC), pp. 352-360, Sozopol, Bulgaria, June 4-8, 2009. https://doi.org/10.1007/978-3-642-12535-5\_41
- C12. E. Nikolova. "Approximation Algorithms for Reliable Stochastic Combinatorial Optimization," In Proceedings of 13th Intl. Workshop on Approximation Randomization, and Combinatorial Optimization, Algorithms and Techniques (APPROX), pp. 338-351, Barcelona, Spain, September 1-3, 2010. (Acceptance Rate: 42%) <a href="https://doi.org/10.1007/978-3-642-15369-3">https://doi.org/10.1007/978-3-642-15369-3</a> 26
  - <u>In rank Texas A&M</u>
- C13. E. Nikolova and N. E. Stier-Moses. "Stochastic Selfish Routing," In Proceedings of the Fourth Symposium on Algorithmic Game Theory (SAGT '11), pp. 314-325, Salerno, Lecture Notes in Computer Science, Springer, Berlin, 2011. (Acceptance Rate: 48%)

  <a href="https://doi.org/10.1007/978-3-642-24829-0\_28">https://doi.org/10.1007/978-3-642-24829-0\_28</a>

- C14. S. Lim, C. Sommer, E. Nikolova, and D. Rus. "Practical Route Planning Under Delay Uncertainty: Stochastic Shortest Path Queries," In RSS Robotics: Science and Systems VIII, vol. 8(32), pp. 249-256, Sydney, Australia, July 9-13, 2012. (Acceptance Rate: 33%)
  <a href="http://roboticsproceedings.org/rss08/p32.pdf">http://roboticsproceedings.org/rss08/p32.pdf</a>
- C15. A. Botea, E. Nikolova, M. Berlingerio. "Multi-Modal Journey Planning in the Presence of Uncertainty," In Proceedings of the International Conference on Automated Planning and Scheduling (ICAPS), pp. 20-28, Rome, Italy, June 10-14, 2013. (Acceptance Rate: 28%)
  <a href="https://www.aaai.org/ocs/index.php/ICAPS/ICAPS13/paper/viewPaper/6023">https://www.aaai.org/ocs/index.php/ICAPS/ICAPS13/paper/viewPaper/6023</a>
- C16. H. Chenji, L. Smith, R. Stoleru, E. Nikolova. "Raven: Energy Aware QoS Control for DRNs," In IEEE 9th International Conference on Wireless and Mobile Computing, Networking and Communications (WiMob), Lyon, France, October 7-9, 2013. (Acceptance Rate: 29%) <a href="https://doi.org/10.1109/WiMOB.2013.6673400">https://doi.org/10.1109/WiMOB.2013.6673400</a>
- C17. G. Piliouras, E. Nikolova and J. S. Shamma. "Risk Sensitivity of Price of Anarchy under Uncertainty," In Proceedings of the 14th ACM Conference on Electronic Commerce (ACM EC), pp. 715-732, Philadelphia, Pennsylvania, June 16-20, 2013. (Acceptance Rate: 32%)

  http://people.sutd.edu.sg/~georgios/papers/ec13-piliouras.pdf
- C18. J. Y. Yu and E. Nikolova. "Sample Complexity of Risk-averse Bandit-Arm Selection," In Proceedings of the International Joint Conferences on Artificial Intelligence (IJCAI), pp. 2576-2582, Beijing, China, August 3-9, 2013. (Acceptance Rate: 28%)
  <a href="http://ijcai.org/papers13/Papers/IJCAI13-379.pdf">http://ijcai.org/papers13/Papers/IJCAI13-379.pdf</a>

#### In rank – UT Austin

- C19. D. Hoy, E. Nikolova. "Approximately Optimal Risk-Averse Routing Policies via Adaptive Discretization," In Proceedings of the Twenty-Ninth AAAI Conference on Artificial Intelligence (AAAI-15). Austin, TX, January 25-29, 2015. (Acceptance Rate: 27%)
  <a href="https://www.aaai.org/ocs/index.php/AAAI/AAAI15/paper/viewPaper/9996">https://www.aaai.org/ocs/index.php/AAAI/AAAI15/paper/viewPaper/9996</a>
- C20. E. Nikolova, N. E. Stier-Moses. "The Burden of Risk Aversion in Mean-Risk Selfish Routing," In Proceedings of the Sixteenth ACM Conference on Economics and Computation (ACM EC), pp. 489-506, Portland, OR, June 15-19, 2015. (Acceptance Rate: 33%) <a href="https://doi.org/10.1145/2764468.2764485">https://doi.org/10.1145/2764468.2764485</a>
- C21. **S. Basu, T. Lianeas**, E. Nikolova. "New Complexity Results and Algorithms for the Minimum Tollbooth Problem," In Proceedings of the 2015 Conference on Web and Internet Economics (WINE'15), pp. 89-103, Amsterdam, The Netherlands, December 9-12, 2015. (Acceptance Rate: 27%) <a href="https://doi.org/10.1007/978-3-662-48995-6">https://doi.org/10.1007/978-3-662-48995-6</a> 7
- C22. **G. Yang**, E. Nikolova. "Approximation Algorithms for Route Planning with Nonlinear Objectives," In Proceedings of the Thirtieth AAAI Conference on Artificial Intelligence (AAAI 2016), pp. 3209-3215, Phoenix, Arizona, February 12-17, 2016. **(Acceptance Rate: 26%)**<a href="https://www.aaai.org/ocs/index.php/AAAI/AAAII6/paper/viewPaper/11967">https://www.aaai.org/ocs/index.php/AAAI/AAAII6/paper/viewPaper/11967</a>
- C23. **T. Lianeas**, E. Nikolova, N. E. Stier Moses. "Asymptotically Tight Bounds for Inefficiency in Risk-averse Selfish Routing," In Proceedings of the 25th International Joint Conference on Artificial Intelligence (IJCAI 2016), pp. 338-344, New York, NY, USA, July 9-15, 2016. (Acceptance Rate: 24%) <a href="https://www.ijcai.org/Proceedings/16/Papers/055.pdf">https://www.ijcai.org/Proceedings/16/Papers/055.pdf</a>

- C24. **S. Basu, G. Yang, T. Lianeas**, E. Nikolova, and **Y. Chen**. "Reconciling Selfish Routing with Social Good," In Proceedings of the 10th International Symposium on Algorithmic Game Theory (SAGT), pp. 147-159, L'Aquila, Italy, September 12-14, 2017. (Acceptance Rate: 45%)

  <a href="https://doi.org/10.1007/978-3-319-66700-3">https://doi.org/10.1007/978-3-319-66700-3</a> 12</a>
- C25. R. Shafipour, **A. Khodabakhsh**, G. Mateos, and E. Nikolova. "A Digraph Fourier Transform with Spread Frequency Components," In Proceedings of IEEE Global Conference on Signal and Information Processing (GlobalSIP 2017), pp. 583-587, Montreal, Canada, November 14-16, 2017. https://doi.org/10.1109/GlobalSIP.2017.8309026
- C26. A. Khodabakhsh, G. Yang, S. Basu, E. Nikolova, M. Caramanis, T. Lianeas, E. Pountourakis. "A Submodular Approach for Electricity Distribution Network Reconfiguration," In 51st Hawaii International Conference on System Sciences (HICSS), Hawaii, USA, January 3-6, 2018. Nominated for Best Paper award. Only 24 papers in Energy track accepted each year, top venue in Power Systems. http://doi.org/10.24251/HICSS.2018.344
- C27. R. Shafipour, **A. Khodabakhsh**, G. Mateos, and E. Nikolova. "Digraph Fourier Transform via Spectral Dispersion Minimization," In Proceedings of IEEE International Conference on Acoustics, Speech and Signal Processing (ICASSP 2018), Calgary, Alberta, Canada, April 15-20, 2018. **Best student paper award**.
- C28. J. Correa, C. Guzman, **T. Lianeas**, E, Nikolova, M. Schroeder. "Network Pricing: How to Induce Optimal Flows Under Strategic Link Operators," In Proceedings of the Nineteenth ACM Conference on Economics and Computation (EC 2018), Ithaca, NY, June 19-21, 2018. (Acceptance Rate: 25%)
- C29. D. Applegate, A. Archer, D. S. Johnson, E. Nikolova, M. Thorup, G. Yang. "Wireless Coverage Prediction via Parametric Shortest Paths," In Proceedings of the Nineteenth International Symposium on Mobile Ad Hoc Networking and Computing (MobiHoc 2018), Los Angeles, USA, June 26-29, 2018. (Acceptance Rate: 17%)
- C30. R. Cole, **T. Lianeas**, E. Nikolova. "When Does Diversity of Agent Preferences Improve Outcomes in Selfish Routing?" In Proceedings of the 27th International Joint Conference on Artificial Intelligence (IJCAI), 2018. (Acceptance Rate: 20%)
- D. Other Major Publications

## In previous rank (prior to UT Austin and Texas A&M)

S1. Y. Chen, L. Fortnow, E. Nikolova, and D. M. Pennock. Combinatorial betting. ACM SIGecom Exchanges, vol. 7(1), pp. 61-64, December 2007. Invited Survey. https://doi.org/10.1145/1345037.1345053

#### **ORAL PRESENTATIONS:**

#### In previous rank (prior to UT Austin and Texas A&M)

- O1. From Stochastic Shortest paths to Quasi-concave Minimization, University of California, San Diego. Seminar on Theory and Algorithms Research, CA, December 2006.
- O2. From Stochastic Shortest paths to Quasi-concave Minimization, MIT Algorithms and Complexity Seminar, Cambridge, MA, December 2006.
- O3. From Stochastic Shortest paths to Quasi-concave Minimization, Rensselaer Polytechnic Institute CS Theory Colloquium, Troy, NY, October 2007.
- O4. From Stochastic Shortest paths to Quasi-concave Minimization, Dartmouth University CS Theory Colloquium, Hanover, NH, October 2007.

- Design & Computation in Prediction Markets, Dartmouth University, Computer Science Colloquium, Hanover, O5. NH, October 2007.
- O6. From Stochastic Shortest paths to Quasi-concave Minimization, University of Wisconsin-Madison, Theory Colloquium, Madison, WI, November 2007.
- O7. Design & Computation in Prediction Markets, Microsoft Research, Redmond, WA, November 2007.
- O8. From Stochastic Shortest paths to Quasi-concave Minimization, IBM Almaden, San Jose, CA, December 2007.
- Design & Computation in Prediction Markets, Microsoft Research, Mountain View, CA, December 2007.
- O10. From Stochastic Shortest paths to Quasi-concave Minimization, Stanford University Algorithms Seminar, Stanford, CA, December 2007.
- O11. Strategic algorithms, Microsoft Research, Seattle, WA, January 2008.
- O12. Strategic algorithms, Duke University, Durham, NC, March 2008.
- O13. Design & Computation in Prediction Markets, GAMES-Third World Congress of the Game Theory Society, Chicago, IL, July 2008.
- O14. Strategic algorithms, Georgia Institute of Technology, Atlanta, GA, February 2009.
- O15. Design & Computation in Prediction Markets, Cornell University, Ithaca, NY, April 2009.
- O16. From Stochastic Shortest paths to Quasi-concave Minimization, State University of New York at Stony Brook, Stony Brook, NY, May 2009.
- O17. Design & Computation in Prediction Markets, University of Girona, Girona, Spain, July 2009.
- O18. From Stochastic Shortest paths to Quasi-concave Minimization, Massachusetts Institute of Technology, Cambridge, MA, April 2010.
- O19. Algorithms for Risk-averse Combinatorial Optimization, Georgetown University, Washington, DC, February 2011.
- O20. Algorithms for Risk-averse Combinatorial Optimization, Northwestern University, Evanston, IL, February
- O21. Algorithms for Risk-averse Combinatorial Optimization, Carnegie Mellon University, Pittsburgh, PA, February 2011.
- O22. Algorithms for Risk-averse Combinatorial Optimization, Google, Zurich, Switzerland, March 2011.
- O23. Algorithms for Risk-averse Combinatorial Optimization, IBM, Zurich, Switzerland, March 2011.
- O24. Design & Computation in Prediction Markets, ETH, Zurich, Switzerland, March 2011.
- O25. Algorithms for Risk-averse Combinatorial Optimization, ETH, Zurich, Switzerland, March 2011.
- O26. Algorithms for Risk-averse Combinatorial Optimization, EPFL, Lausanne, Switzerland, March 2011.

#### <u>In rank – Texas A&M</u>

- O27. Risk in network games, Texas A&M University, Dept. of Economics, College Station, TX, February 2012.
- O28. Risk in network games, Rice University, Dept. of Economics, Houston, TX, March 2012.
- O29. Algorithms for Risk-averse Combinatorial Optimization, Rice University, Dept. of Computational and Applied Math., Houston, TX, April 2012.
- O30. Algorithms for Risk-averse Combinatorial Optimization, UT Austin, Austin, TX, April 2012.
- O31. Risk in network games, Summer School on Algorithmic Game Theory, Samos, Greece, July 2012.
- O32. Introduction to network congestion games, Summer School on Algorithmic Game Theory, Samos, Greece, July
- O33. Risk in network routing, IBM Research, Dublin, Ireland, July 2012.

- O34. Risk in network games, Texas Economic Theory Day, Dallas, TX, October 2012.
- O35. Risk in routing and games, University of Buenos Aires, Argentina, March 8, 2013.
- O36. Risk in routing and games, UNICAMP, Campinas, Brazil, March 20, 2013.
- O37. Risk in network games, Transportation seminar, Dept. of Civil Engineering, Texas A&M University, Austin, TX, March 26, 2013.
- O38. Risk in network routing games, UT Austin, Austin, TX, April 1, 2013.
- O39. Risk in network games, University of Maryland-College Park, April 19, 2013.
- O40. Risk in network routing, IBM-Almaden, San Jose, CA, June 5, 2013.

#### <u>In rank – UT Austin</u>

- O41. Risk-mitigation in route planning, Keynote talk at Workshop on Eco-friendly mobility, Zurich, Switzerland, January 22, 2014.
- O42. Risk-mitigation in route planning, ORIE Seminar, UT Austin, Austin, TX, January 31, 2014.
- O43. Approximation algorithms for risk-averse combinatorial optimization, London School of Economics, London, UK, July 2, 2014.
- O44. Approximation algorithms for risk-averse combinatorial optimization, 7th work- shop on Flexible Network Design, Lugano, Switzerland, July 31, 2014.
- O45. The burden of risk aversion in mean-risk selfish routing, Random Structures Seminar, Dept. of Mathematics, UT Austin, Austin, TX, December 3, 2014.
- O46. The burden of risk aversion in mean-risk selfish routing, Combinatorial Optimization and Graph Algorithms (COGA) Seminar, Technical University of Berlin, Berlin, Germany, January 15, 2015.
- O47. The burden of risk aversion in mean-risk selfish routing, Technical University of Munich, Munich, Germany, January 20, 2015.
- O48. The burden of risk aversion in mean-risk selfish routing, Conference on Information Theory and Applications (ITA) 2015, San Diego, CA, February 5, 2015.
- O49. The burden of risk aversion in mean-risk selfish routing, The University of Chile, Santiago, Chile, March 18, 2015.
- O50. The burden of risk aversion in mean-risk selfish routing, Algorithms Seminar, The University of Texas at Austin, Austin, TX, April 17, 2015.
- O51. Approximation algorithms for offline risk-averse combinatorial optimization, The University of Chile, Santiago, Chile, May 27, 2015.
- O52. The burden of risk aversion in mean-risk selfish routing, Transportation Seminar, EECS Department, UC Berkeley, Berkeley, CA, August 28, 2015.
- O53. Algorithms and algorithmic game theory for risk mitigation in networks, Simons Institute, Berkeley, CA, September 29, 2015.
- O54. The burden of risk aversion in mean-risk selfish routing, Theory seminar, Department of Computer Science, University of Southern California, Los Angeles, CA, October 2, 2015.
- O55. Algorithms for risk-averse routing, Google Research, Mountain View, CA, October 29, 2015.
- O56. Algorithms for risk mitigation in networks, Simons Institute for the Theory of Computing, Berkeley, CA, June 28, 2016.
- O57. Risk-averse selfish routing, Conference on Information Theory and Applications (ITA) 2015, San Diego, CA, February 16, 2017.

- O58. Risk-averse selfish routing, Dagstuhl Seminar on Game Theory in AI, Logic, and Algorithms (17111), Schloss Dagstuhl, Germany, March 14, 2017.
- O59. Network Pricing: How to Induce Optimal Flows Under Strategic Link Operators, Simons Institute for the Theory of Computing, Berkeley, CA, April 20, 2017.
- O60. Risk-averse selfish routing, 6th Workshop on Stochastic Methods in Game Theory, Erice, Italy, May 10, 2017.
- O61. Network Pricing: How to Induce Optimal Flows Under Strategic Link Operators, Microsoft Research, New England, Cambridge, MA, June 21, 2017.
- O62. Network Pricing: How to Induce Optimal Flows Under Strategic Link Operators, Keynote Talk at the 12th Athens Colloquium on Algorithms and Complexity (ACAC'17), Athens, Greece, August 24, 2017.
- O63. Network Pricing: How to Induce Optimal Flows Under Strategic Link Operators, Keynote Talk at the Ninth Workshop on Dynamic Games in Management Science, HEC Montreal, Montreal, Canada, October 13, 2017.
- O64. A Brief Introduction to Algorithms, Game Theory and Risk-averse Decision Making, Simons Institute, Berkeley, CA, January 24, 2018.
- O65. Risk-averse Selfish Routing, Simons Institute, Berkeley, CA, March 28, 2018.
- O66. When Does Diversity of Agent Preferences Improve Outcomes in Selfish Routing, Mathematical and Computational Challenges in Real-Time Decision Making Workshop, Simons Institute, April 30th, 2018.

# DISCLOSURES, PATENTS PENDING, AND PATENTS AWARDED (work conducted in previous rank, prior to UT Austin and Texas A&M)

- P1. E. Nikolova, M. Brand. Method for finding minimal cost paths under uncertainty. U.S. Application. Pub No. US20080025222. Filed: 07/26/2006. Published: 01/31/2008.
- P2. Y. Chen, E. Nikolova, D. Pennock. System and method for permutation betting. U.S. Application. Pub No. 20080220855. Published: 9/11/2008.
- P3. E. Nikolova, M. Brand, M. Mitzenmacher. Method for finding optimal paths using a stochastic network model, US Patent No. 7,573,866. Filed: Aug. 30, 2006. Issued: 08/11/2009.
- P4. J. Feldman, S. Muthukrishnan, M. Pal, Evdokia V. Nikolova. Content Item Slot Scheduling. U.S. Application. Pub No. 20100049644. Published: 2/25/2010.

#### **GRANTS AND CONTRACTS:**

Co-PI	Title	Agency/Sponsor	Grant Total	Candidate Share	Grant Period	Status
Granted in rank at Texas A&M						
	ICES: Small: Risk Aversion in Algorithmic Game Theory and Mechanism Design	NSF: Division of Computing and Communication Foundations	\$370,000	\$370,000	8/1/12- 8/31/17	funded
	Maps Directions under Deadlines	Google Faculty Research Award	\$41,000	\$41,000	2013	funded

PI: Le Xie (Texas A&M) Co-PI: Pravin Varaiya (UC Berkeley)	Collaborative Research: CyberSEES: Coupon Incentive-based Risk Aware Demand Response in Smart Grid	NSF: Division of Computing and Communication Foundations	\$1,000,000	\$311,000	10/1/13- 9/30/18	funded
Granted in rank at UT Austin						
	CAREER: Algorithms for Risk Mitigation in Networks	NSF: Division of Computing and Communication Foundations	\$448,123	\$448,123	5/15/14- 4/30/19	funded
Co-PI: Michael C. Caramanis (Boston University)	AitF: Collaborative Research: Algorithms and Mechanisms for the Distribution Grid	NSF: Division of Computing and Communication Foundations	\$800,000	\$479,985	10/1/17- 9/30/21	funded
PI: Georgios B. Giannakis (University of Minnesota) Co-PI: Sairaj Dhople (University of Minnesota), Mingyi Hong (University of Minnesota), Yousef Saad (University of Minnesota), Hao Zhu (UT ECE), Ross Baldick (UT ECE), Constantine Caramanis (UT ECE), Lang Tong (Cornell), David Bindel (Cornell), Eilyan Bitar (Cornell), Ari Juels (Cornell), Vassilis Kekatos (Virginia Tech), Walid Saad (Virginia Tech), Nikolas D. Sidiropoulos (University of Virginia), Emiliano Dall'Anese (University of Colorado Boulder), Lucy Pao (University of Colorado Boulder)	DNS4CES: Data- and Network-driven Science for Complex Energy Systems	Department of Energy (DOE) Office of Science Program Office	\$10,000,000	\$400,000	10/1/18- 9/30/22	Submitted (pending)

Career Total	\$2,659,123
Career Candidate Share	\$1,650,108
In Rank Total	\$2,659,123
In Rank Candidate Share	\$1,650,108

#### M.S. STUDENTS:

none

#### PH.D. IN PROGRESS:

#### A. Students defended

Yang, Ger (Nov 2017); passed, expected graduation Aug. 2018

B. Students admitted to candidacy N/A

C. Post M.S. students preparing to take Ph.D. qualifying exam

Basu, Soumya (Spring 2018, co-supervisor: Sanjay Shakkottai) Khodabakhsh, Ali (Fall 2018) Orestis Papadigenopoulos (Fall 2019)

Giotis, Isidoros (Fall 2020)

Ramesan, Nithin (Fall 2020, co-supervisor: Francois Baccelli)

Vakaliou, Eftychia (Fall 2021)

#### **POSTDOCS:**

Pountourakis, Emmanouil (April 2017-present) Lianeas, Thanasis (April 2015-Dec. 2017)

#### OTHER ADVISING AND RELATED STUDENT SERVICE:

In previous rank (prior to UT Austin and Texas A&M)

Research Science Institute (RSI) [in collaboration with MIT to promote research among talented high school students worldwide] Research Mentor to:

Yifei Chen for his paper "Overpayment in Strategyproof Payment Schemes." (Summer 2004) Fatima-Ezzahra Izma for her paper "Independent Sets in Special Types of Graphs." (Summer 2005)

#### In rank – UT Austin

Sofya Vorotnikova – Simons Fellow and official mentee for the duration of the research program "Real-time Decision Making", Spring 2018 at the Simons Institute for the Theory of Computing, Berkeley, CA.

#### **TEACHING:**

Course	Name	Semester	Enrollment	Instructor	Course
EE360C	Algorithms	Fall 2017	69	3.9	3.7
EE360C	Algorithms	Fall 2017	65	3.7	3.3
EE381V	Advanced Algorithms	Spring 2017	26	3.9	3.5
EE360C	Algorithms	Fall 2016	82	3.9	3.4
EE381V	Advanced Algorithms	Spring 2015	22	4.3	4.1
EE360C	Algorithms	Fall 2014	61	4.0	3.7
EE381V	Game Theory	Spring 2014	16	4.1	4.1

#### Previous Teaching at Texas A&M University

CSCE489	Special Topics in Algorithmic Game Theory	Fall 2013
CSCE411H	Design and Analysis of Algorithms	Spring 2013
CSCE629	Analysis of Algorithms	Fall 2012
CSCE689	Special Topics in Algorithmic Game Theory	Spring 2012
CSCE689	Special Topics in Stochastic Optimization	Fall 2011

#### VITA:

Evdokia Nikolova is an Assistant Professor in the Department of Electrical and Computer Engineering at the University of Texas at Austin, where she is a member of the Wireless Networking & Communications Group and Decision, Information, and Communication Engineering (DICE). She graduated with a BA in Applied Mathematics with Economics from Harvard University, MS in Mathematics from Cambridge University, U.K. and Ph.D. in Computer Science from MIT.

Evdokia Nikolova's research aims to improve the design and efficiency of complex systems (such as infrastructure networks and electronic markets), by integrating stochastic, dynamic and economic analysis. Her recent work examines how human risk aversion transforms traditional computational models and solutions. One of her algorithms has been adapted in the MIT <u>CarTel</u> project for traffic-aware routing. She currently focuses on developing algorithms for risk mitigation in networks, with applications to transportation and energy. She is a recipient of an NSF CAREER award.

# **Candidate's Summary of Activities**

# Evdokia Nikolova

Metric	Value
Peer-reviewed journal publications (in rank and total)	3/4
Peer-reviewed conference proceedings (in rank and total)	18/30
Number of journal papers in rank with supervised student(s) and/or post-docs from UT as co-author(s)	1
Number of journal papers in rank with supervised student(s) from UT as co-author*	0
Total citations of all publications (career) from ISI Web of Knowledge	79
Largest number of citations for a single paper based on work at UT (ISI Web of Knowledge)	11
h-index (career) from ISI Web of Knowledge	4
Total citations of all publications (career) from Google Scholar	923
Largest number of citations for a single paper based on work at UT (Google Scholar)	40
h-index (career) from Google Scholar	17
Total external research funding raised in rank	\$2,659,123
Total external research funding raised in rank (candidate's share)	\$1,650,108
Total number of external grants/contracts awarded in rank	5
Number of external grants/contracts awarded in rank as PI	4
PhD students completed ( <i>sole supervisions and co-supervisions</i> )† (1 expected graduation Aug. 2018)	0
MS students completed (sole supervisions and co-supervisions)†	0
PhD students in pipeline (sole supervisions and co-supervisions as of 8/31/2018) †	4/2
MS students in pipeline (sole supervisions and co-supervisions as of 8/31/2018) †	0
Number of courses taught	7
Total number of students taught in organized courses	341
Average instructor rating for undergraduate courses	3.9
Average instructor rating for graduate courses	4.1
Average course rating for undergraduate courses	3.5
Average course rating for graduate courses	3.9
Number of teaching awards	0
Student organizations advised	0
Undergraduate researchers supervised	19
Service on journal editorial boards	0
Number of symposia organized	4

# Complete reverse chronological list of publications and scholarly/creative works Evdokia Nikolova

Candidate's dissertation title: Strategic Algorithms Candidate's dissertation advisor: David Karger

Section 1. Works published (or in an equivalent status), in press, accepted, or under contract while in current rank at UT Austin.

Note: my group members are highlighted in Italic.

# Refereed archival journal publications in rank

- 1. *T. Lianeas*, E. Nikolova, N. E. Stier-Moses. "Risk-averse selfish routing," Mathematics of Operations Research, forthcoming. (Accepted September 2017)
  - Co-authors: T. Lianeas, postdoctoral fellow in my group; N.E. Stier-Moses, research scientist manager at Facebook (Menlo Park, CA).
  - Qualitative statement of contribution: Equally with Stier Moses, I initiated the research project and contributed to the problem definition, upper bound proofs and writing of the paper. My postdoc Thanasis Lianeas derived the lower bound proofs and writing of that part of the paper, as well as the overall writing and revisions of the paper.
- 2. G. Piliouras, E. Nikolova and J. S. Shamma. "Risk Sensitivity of Price of Anarchy under Uncertainty." in ACM Transactions on Economics and Computation (TEAC), vol. 5(1), pp. 5:1-5:27, November 2016. https://doi.org/10.1145/2930956
  - Co-authors: G. Piliouras, faculty peer in Singapore University of Technology and Design (Singapore); J. S. Shamma, faculty peer in King Abdullah University of Science and Technology (Saudi Arabia).
  - Qualitative statement of contribution: I initiated the project with (then postdoc) Georgios Piliouras, and contributed to formalizing the problem definition, different models of riskaversion and some of the analysis and writing.
- 3. E. Nikolova, N. Stier-Moses. "A Mean-Risk Model for the Traffic Assignment Problem with Stochastic Travel Times," in Operations Research, vol. 62(2), pp. 366-382, April 2014. https://doi.org/10.1287/opre.2013.1246
  - Co-authors: N.E. Stier-Moses, research scientist manager at Facebook (Menlo Park, CA).
  - Qualitative statement of contribution: This work was an equal 50% contribution of all aspects of this work, both intellectual and writing. All aspects of the research were developed in collaboration between myself and Stier-Moses over many joint discussions.

## Refereed conference proceedings in rank

- 1. R. Cole, *T. Lianeas*, E. Nikolova. "When Does Diversity of Agent Preferences Improve Outcomes in Selfish Routing?" in Proceedings of the 27th International Joint Conference on Artificial Intelligence (IJCAI 2018), Stockholm, Sweden, July 13-19, 2018. (Acceptance Rate: 20%)
  - Co-authors: R. Cole, faculty peer in New York University; T. Lianeas, postdoctoral fellow in my group.
  - Qualitative statement of contribution: I and Richard Cole in several joint discussions
    came up with the project idea based on an earlier paper of mine, formalized the
    mathematical model and performed some of the initial analysis. Later, I invited my
    postdoc Thanasis Lianeas to join the project and, through multiple joint discussions and
    additional technical work by Lianeas, we developed the rest of the intellectual content
    and writing.
- 2. D. Applegate, A. Archer, D. S. Johnson, E. Nikolova, M. Thorup, G. Yang. "Wireless Coverage Prediction via Parametric Shortest Paths," in Proceedings of the Nineteenth International Symposium on Mobile Ad Hoc Networking and Computing (MobiHoc 2018), Los Angeles, USA, June 26-29, 2018. (Acceptance Rate: 17%)
  - Co-authors: D. Applegate, research scientist at Google (New York City, NY); A. Archer, research scientist at Google (New York City, NY); D. S. Johnson, deceased; M. Thorup, faculty peer in University of Copenhagen (Netherlands); G. Yang, doctoral student in my group.
  - Qualitative statement of contribution: The four non-UT authors (other than myself and Ger Yang) had started and done preliminary theoretical work on this project and it was in hiatus when, in a discussion with Aaron Archer I discovered that some of their preliminary work was subsumed by some of my earlier work on stochastic shortest paths. I invited my student Ger Yang to join the project and, under my direction, perform experimental results for the project, as well as some additional technical analysis, building on my previous work. I also contributed to the framing and writing of the paper.
- 3. J. Correa, C. Guzman, *T. Lianeas*, E, Nikolova, M. Schroeder. "Network Pricing: How to Induce Optimal Flows Under Strategic Link Operators," in Proceedings of the Nineteenth ACM Conference on Economics and Computation (EC 2018), Ithaca, NY, June 19-21, 2018. (Acceptance Rate: 25%)
  - Co-authors: J. Correa, faculty peer in Universidad de Chile (Chile); C. Guzman, faculty peer in Universidad Católica de Chile (Chile); T. Lianeas, postdoctoral fellow in my group; M. Schroeder, faculty peer in RWTH Aachen University (Germany).
  - Qualitative statement of contribution: I gave the idea for the project and formalized the
    problem statement with Jose Correa. The two of us in 50-50 collaboration performed
    some of the initial analysis. Jose then invited his then-postdocs Cristobal Guzman and
    Marc Schroeder, and I invited my postdoc Thanasis Lianeas to join the project, and the
    five of us over multiple joint discussions developed the rest of the intellectual content and
    writing.

- 4. R. Shafipour, *A. Khodabakhsh*, G. Mateos, and E. Nikolova. "Digraph Fourier Transform via Spectral Dispersion Minimization," in Proceedings of IEEE International Conference on Acoustics, Speech and Signal Processing (ICASSP 2018), Calgary, Alberta, Canada, April 15-20, 2018. **Best student paper award**.
  - Co-authors: R. Shafipour, doctoral student in Prof. Mateos's group, University of Rochester; A. Khodabakhsh, doctoral student in my group; G. Mateos, faculty peer in University of Rochester.
  - Qualitative statement of contribution: This is part of my student Ali Khodabakhsh's Ph.D. research; the student and fellow PhD student Rasoul Shafipour at the University of Rochester performed the majority of the work, with my assistance as Ali's advisor both on the intellectual content and of the written work.
- 5. A. Khodabakhsh, G. Yang, S. Basu, E. Nikolova, M. C. Caramanis, T. Lianeas, M. Pountourakis. "A Submodular Approach for Electricity Distribution Network Reconfiguration," in 51st Hawaii International Conference on System Sciences (HICSS), Hawaii, USA, January 3-6, 2018. Nominated for Best Paper award. Only 24 papers in Energy track accepted each year, top prestigious conference in Power Systems.
  - Co-authors: A. Khodabakhsh, doctoral student in my group; G. Yang, doctoral student in my group; S. Basu, doctoral student in my group; M. C. Caramanis, faculty peer in Boston University; T. Lianeas, postdoctoral fellow in my group; M. Pountourakis, postdoctoral fellow in my group.
  - Qualitative statement of contribution: I initiated this project and together with my student Ali Khodabakhsh, formalized the mathematical model. This is part of Ali's Ph.D. research; the student performed the majority of the work, with some collaboration with my other students Ger Yang and Soumya Basu, and my postdoc Thanasis Lianeas on the hardness proof, and with my assistance as Ali's advisor both on the intellectual content and of the written work.
- 6. R. Shafipour, *A. Khodabakhsh*, G. Mateos, and E. Nikolova. "A Digraph Fourier Transform with Spread Frequency Components," in Proceedings of IEEE Global Conference on Signal and Information Processing (GlobalSIP 2017), pp. 583-587, Montreal, Canada, November 14-16, 2017. <a href="https://doi.org/10.1109/GlobalSIP.2017.8309026">https://doi.org/10.1109/GlobalSIP.2017.8309026</a>
  - Co-authors: R. Shafipour, doctoral student in Prof. Mateos's group, University of Rochester; A. Khodabakhsh, doctoral student in my group; G. Mateos, faculty peer in University of Rochester.
  - Qualitative statement of contribution: This is part of my student Ali Khodabakhsh's Ph.D.
    research; the student and fellow PhD student Rasoul Shafipour at the University of
    Rochester performed the majority of the work, with my assistance as Ali's advisor both
    on the intellectual content and of the written work.
- 7. S. Basu, G. Yang, T. Lianeas, E. Nikolova, and Y. Chen. "Reconciling Selfish Routing with Social Good," in Proceedings of the 10th International Symposium on Algorithmic Game

Theory (SAGT), pp. 147-159, L'Aquila, Italy, September 12-14, 2017. (Acceptance Rate: 45%) https://doi.org/10.1007/978-3-319-66700-3\_12

- Co-authors: S. Basu, doctoral student in my group; G. Yang, doctoral student in my group; T. Lianeas, postdoctoral fellow in my group; Y. Chen, doctoral student in my group at the time
- Qualitative statement of contribution: I initiated the project and developed a formal
  mathematical model with technical questions. I then directed the other co-authors all
  members of my research group, in developing the intellectual content and writing of the
  paper. As a lead contributor, my PhD student Soumya Basu will include this project in
  his dissertation.
- 8. T. Lianeas, E. Nikolova, N. E. Stier Moses. "Asymptotically Tight Bounds for Inefficiency in Risk-averse Selfish Routing," in Proceedings of the 25th International Joint Conference on Artificial Intelligence (IJCAI 2016), pp. 338-344, New York, NY, USA, July 9-15, 2016. (Acceptance Rate: 24%) <a href="https://www.ijcai.org/Proceedings/16/Papers/055.pdf">https://www.ijcai.org/Proceedings/16/Papers/055.pdf</a>
  - Co-authors: T. Lianeas, postdoctoral fellow in my group; N.E. Stier-Moses, research scientist manager at Facebook (Menlo Park, CA).
  - Qualitative statement of contribution: This paper builds on my paper #11 below with Nicolas Stier Moses, where we defined the concept of "Price of Risk Aversion" and proved an upper bound for that concept. Under my suggestion to my postdoc Thanasis Lianeas to consider this problem, he developed the lower bound for that concept, which is in the current paper, and all three of us contributed to the remaining intellectual content and the overall writing of the paper.
- 9. *G. Yang*, E. Nikolova. "Approximation Algorithms for Route Planning with Nonlinear Objectives," in Proceedings of the Thirtieth AAAI Conference on Artificial Intelligence (AAAI 2016), pp. 3209-3215, Phoenix, Arizona, February 12-17, 2016. (Acceptance Rate: 26%) https://www.aaai.org/ocs/index.php/AAAI/AAAII6/paper/viewPaper/11967
  - Co-authors: G. Yang, doctoral student in my group.
  - Qualitative statement of contribution: This is part of my student Ger Yang's Ph.D. research; the student performed the majority of the work, with my assistance as advisor both on the intellectual content and of the written work.
- 10. *S. Basu*, *T. Lianeas*, E. Nikolova. "New Complexity Results and Algorithms for the Minimum Tollbooth Problem," in Proceedings of the 2015 Conference on Web and Internet Economics (WINE'15), pp.89-103, Amsterdam, The Netherlands, December 9-12, 2015. (Acceptance Rate: 27%) <a href="https://doi.org/10.1007/978-3-662-48995-6">https://doi.org/10.1007/978-3-662-48995-6</a>
  - Co-authors: S. Basu, doctoral student in my group; T. Lianeas, postdoctoral fellow in my group.
  - Qualitative statement of contribution: This is part of my student Soumya Basu's Ph.D.
    research; the student performed the majority of the work, with my assistance as advisor
    both on the intellectual content and of the written work. I proposed the problem to study
    and the student was also assisted by my postdoc Thanasis Lianeas in some of the

intellectual contributions (theorem proofs and algorithm design).

- 11. E. Nikolova, N. Stier-Moses. "The Burden of Risk Aversion in Mean-Risk Selfish Routing," in Proceedings of the Sixteenth ACM Conference on Economics and Computation (ACM EC), pp.489-506, Portland, OR, June 15-19, 2015. (Acceptance Rate: 33%) https://doi.org/10.1145/2764468.2764485
  - Co-authors: N.E. Stier-Moses, research scientist manager at Facebook (Menlo Park, CA).
  - Qualitative statement of contribution: All aspects of this research were developed in collaboration between myself and Stier-Moses over many joint discussions. This work was an equal 50-50 contribution of all aspects, both intellectual and writing.
- 12. D. Hoy, E. Nikolova. "Approximately Optimal Risk-averse Routing Policies via Adaptive Discretization," in Proceedings of the Twenty-Ninth AAAI Conference on Artificial Intelligence (AAAI-15). Austin, TX, January 25-30, 2015. (Acceptance Rate: 27%) <a href="https://www.aaai.org/ocs/index.php/AAAI/AAAI15/paper/viewPaper/9996">https://www.aaai.org/ocs/index.php/AAAI/AAAI15/paper/viewPaper/9996</a>
  - Co-authors: D. Hoy, CTO at Tremor Technologies.
  - Qualitative statement of contribution: I developed the initial idea and formal mathematical model and main technical question for this project. I then directed Darrell Hoy who was at the time a PhD student at Northwestern University, in developing the technical solution and writing of the paper.

Section 2. Works published (or in equivalent status) while in current rank at other institutions (if applicable)

# Refereed conference proceedings in rank

- 1. H. Chenji, L. Smith, R. Stoleru, E. Nikolova. "Raven: Energy Aware QoS Control for DRNs," in IEEE 9th International Conference on Wireless and Mobile Computing, Networking and Communications (WiMob), Lyon, France, October 7-9, 2013. (Acceptance Rate: 29%) https://doi.org/10.1109/WiMOB.2013.6673400
  - Co-authors: H. Chenji, faculty peer in the EECS department, Ohio University; L. Smith, faculty peer in Blinn College; R. Stoleru, faculty peer in the CSE department, Texas A&M University.
  - Qualitative statement of contribution: This is part of Radu Stoleru's PhD student Chengji's Ph.D. research; the student and Stoleru's postdoc Smith performed the majority of the work, with my assistance as co-advising them (jointly with Stoleru) on the intellectual content and the written work, as the models built on my prior work on riskaverse shortest paths.
- 2. J. Y. Yu and E. Nikolova. "Sample Complexity of Risk-averse Bandit-arm Selection," in Proceedings of the International Joint Conferences on Artificial Intelligence (IJCAI), pp. 2576-2582, Beijing, China, August 3-9, 2013. (Acceptance Rate: 28%) http://ijcai.org/papers/13/Papers/IJCAI13-379.pdf

- Co-authors: J. Y. Yu, currently faculty peer in Concordia Institute of Information System Engineering (Canada).
- Qualitative statement of contribution: I initiated the project idea and together with Yu (a
  research scientist at IBM Research at the time, which I was a visiting professor at)
  formalized it into several mathematical models of study. Yu and I had multiple meetings
  discussing the research directions and deciding on what to analyze; he developed most of
  the technical analysis and I contributed to the writing and revisions of the paper.
- 3. G. Piliouras, E. Nikolova and J. S. Shamma. "Risk Sensitivity of Price of Anarchy under Uncertainty," in Proceedings of the 14th ACM Conference on Electronic Commerce (ACM EC), pp. 715-732, Philadelphia, Pennsylvania, June 16-20, 2013. (Acceptance Rate: 32%) <a href="https://doi.org/10.1145/2482540.2482578">https://doi.org/10.1145/2482540.2482578</a>
  - Co-authors: G. Piliouras, faculty peer in Singapore University of Technology and Design (Singapore); J. S. Shamma, faculty peer in King Abdullah University of Science and Technology (Saudi Arabia).
  - Qualitative statement of contribution: I initiated the project with Georgios Piliouras (then
    postdoc, advised by Jeff Shamma at Georgia Tech), and I contributed to formalizing the
    problem definition, different models of risk-aversion and some of the analysis and writing.
- 4. A. Botea, E. Nikolova, M. Berlingerio. "Multi-Modal Journey Planning in the Presence of Uncertainty," in Proceedings of the International Conference on Automated Planning and Scheduling (ICAPS), pp. 20-28, Rome, Italy, June 10-14, 2013. (Acceptance Rate: 28%) <a href="https://www.aaai.org/ocs/index.php/ICAPS/ICAPS13/paper/viewPaper/6023">https://www.aaai.org/ocs/index.php/ICAPS/ICAPS13/paper/viewPaper/6023</a>
  - Co-authors: A. Botea, researcher at IBM (Dublin, Ireland); M. Berlingerio, research staff member at IBM (Dublin, Ireland).
  - Qualitative statement of contribution: I developed and wrote the theoretical analysis in this paper.
- 5. S. Lim, C. Sommer, E. Nikolova, and D. Rus. "Practical Route Planning Under Delay Uncertainty: Stochastic Shortest Path Queries," in RSS Robotics: Science and Systems VIII, vol. 8(32), pp. 249-256, Sydney, Australia, July 9-13, 2012. (Acceptance Rate: 33%) http://roboticsproceedings.org/rss08/p32.pdf
  - Co-authors: S. Lim, faculty peer in Kookmin University (Korea); C. Sommer, Engineering Manager at Apple (Cupertino, CA); D. Rus, faculty peer in MIT.
  - Qualitative statement of contribution: This paper built on my prior work on stochastic shortest paths, which I and Christian Sommer extended to a query model. Rus's PhD student Sejoon Lim, under Rus's direction, performed experimental analysis while I assisted with the theoretical analysis and wrote the corresponding theoretical part of the paper.
- E. Nikolova and N. Stier-Moses. "Stochastic Selfish Routing," in Proceedings of the Fourth Symposium on Algorithmic Game Theory (SAGT '11), Salerno, Lecture Notes in Computer Science, Springer, Berlin, 2011. (Acceptance Rate: 48%) <a href="https://doi.org/10.1007/978-3-">https://doi.org/10.1007/978-3-</a>

#### 642-24829-0 28

- Co-authors: N.E. Stier-Moses, research scientist manager at Facebook (Menlo Park, CA).
- Qualitative statement of contribution: All aspects of this research were developed in equal collaboration between myself and Stier-Moses over many joint discussions. This paper was an equal 50-50 contribution of all aspects, both intellectual and writing.

Section 3. Works published (or in equivalent status) while in previous rank(s) at UT Austin (if applicable)

Not applicable.

Section 4. Works published (or in equivalent status) while in previous rank(s) at other institutions (if applicable)

## Refereed journal publications in previous rank

1. A. Hall, E. Nikolova, and C. Papadimitriou. "Incentive-Compatible Interdomain Routing with Linear Utilities," in Internet Mathematics, vol. 5(4), pp. 395-410, January 2008. https://doi.org/10.1080/15427951.2008.10129169

## Refereed conference proceedings in previous rank

- E. Nikolova. "Approximation Algorithms for Reliable Stochastic Combinatorial Optimization," in Proceedings of 13th Intl. Workshop on Approximation Algorithms for Combinatorial Optimization Problems (APPROX), pp.338-351, Barcelona, Spain, September 1-3, 2010. (Acceptance Rate: 42%) <a href="https://doi.org/10.1007/978-3-642-15369-3">https://doi.org/10.1007/978-3-642-15369-3</a> <a href="https://doi.org/10.1007/978-3-642-15369-3">https://doi.org/10.1007/978-3-642-15369-3</a> <a href="https://doi.org/10.1007/978-3-642-15369-3">26</a>
- 2. E. Nikolova. "High-performance heuristics for optimization in stochastic traffic engineering problems," in Proceedings of the Seventh International Conference on Large-Scale Scientific Computing (LSSC), pp.352-360, Sozopol, Bulgaria, June 4-8, 2009. https://doi.org/10.1007/978-3-642-12535-5 41
- 3. E. Nikolova and D. Karger. "Route Planning under Uncertainty: the Canadian Traveler Problem," in Proceedings of the Twenty-Third Conference on Artificial Intelligence (AAAI), pp. 969-974, Chicago, Illinois, July 13–17, 2008. (Acceptance Rate: 24%) <a href="http://www.aaai.org/Papers/AAAI/2008/AAAI08-154.pdf">http://www.aaai.org/Papers/AAAI/2008/AAAI08-154.pdf</a>
- 4. J. Feldman, S. Muthukrishnan, E. Nikolova, M. Pal. "A Truthful Mechanism for Offline Ad Slot Scheduling," in Proceedings of the First International Symposium on Algorithmic Game Theory (SAGT), pp. 182-193, Paderborn, Germany, April 30-May 2, 2008. https://doi.org/10.1007/978-3-540-79309-0\_17
- 5. Hall, E. Nikolova, and C. Papadimitriou. "Incentive-Compatible Interdomain Routing with Linear Utilities," in Proceedings of the 3rd International Workshop on Internet and Network Economics (WINE), pp.232-244, San Diego, California, December 12-14, 2007.

- https://doi.org/10.1007/978-3-540-77105-0\_23
- 6. J. Kelner and E. Nikolova. "On the Hardness and Smoothed Complexity of Quasi-concave Minimization," in Proceedings of 48th Annual IEEE Symposium on Foundations of Computer Science (FOCS), pp. 472-482, Providence, RI, October 21-23, 2007. (Acceptance Rate: 22%) https://doi.org/10.1109/FOCS.2007.68
- 7. Y. Chen, L. Fortnow, E. Nikolova, and D. Pennock. "Betting on Permutations," in Proceedings of the Eighth ACM Conference on Electronic Commerce (ACM EC), pp. 326-335, San Diego, California, June 11-15, 2007. (Acceptance Rate: 27%) https://doi.org/10.1145/1250910.1250957
- 8. E. Nikolova and R. Sami. "A Strategic Model for Information Markets," in Proceedings of the Eighth ACM Conference on Electronic Commerce (ACM EC), pp. 316-325, San Diego, California, June 11-15, 2007. (Acceptance Rate: 27%) https://doi.org/10.1145/1250910.1250956
- 9. E. Nikolova, J. Kelner, M. Brand, M. Mitzenmacher. "Stochastic Shortest Paths via Quasi-convex Maximization," in Proceedings of 2006 European Symposium of Algorithms (ESA), pp. 552-563, Zurich, Switzerland, September 11-13, 2006. (Acceptance Rate: 24%) https://doi.org/10.1007/11841036\_50
- E. Nikolova, M. Brand, and D. Karger. "Optimal Route Planning under Uncertainty," in Proceedings of 2006 International Conference on Automated Planning & Scheduling (ICAPS), pp. 131-140, Cumbria, UK, June 6-10, 2006. (Acceptance Rate: 33%) <a href="https://www.aaai.org/Papers/ICAPS/2006/ICAPS06-014.pdf">https://www.aaai.org/Papers/ICAPS/2006/ICAPS06-014.pdf</a>
- 11. D. Karger and E. Nikolova. "On the Expected Overpayment of VCG Mechanisms in Large Networks," Invited paper in Conference on Decision and Control (CDC), 2006. Brief Announcement in PODC 2005, pp. 126-126, Las Vegas, NV, July 17-20, 2005. Accepted presentation to DIMACS Workshop on Computational Issues in Auction Design, October 2004. https://doi.org/10.1145/1073814.1073836
- 12. N. Immorlica, D. Karger, E. Nikolova, and R. Sami. "First-Price Path Auctions," in Proceedings of ACM Conference on Electronic Commerce (ACM EC), pp. 203-212, Vancouver, BC, Canada, June 5-8, 2005. (Acceptance Rate: 28%) <a href="https://doi.org/10.1145/1064009.1064031">https://doi.org/10.1145/1064009.1064031</a>

# Other major publications in previous rank

1. Y. Chen, L. Fortnow, E. Nikolova, and D. Pennock. Combinatorial betting. ACM SIGecom Exchanges, vol. 7(1), pp. 61-64, December 2007. Invited Survey. https://doi.org/10.1145/1345037.1345053

From: Mathematics of Operations Research

<onbehalfof+jimdaimor+gmail.com@manuscriptcentral.com>

Date: Fri, Sep 29, 2017 at 11:51 AM

Subject: Mathematics of Operations Research - Decision on Manuscript ID MOR-2016-214.R2

To: nstier@utdt.edu

Cc: jimdaimor@gmail.com, bvonstengel@gmail.com, sdean@informs.org

29-Sep-2017

Dear Prof. Nicolas Stier-Moses:

The review process for your paper Manuscript ID MOR-2016-214.R2 titled "Risk-averse selfish routing" is now complete. I am delighted to accept your manuscript for publication in Mathematics of Operations Research. Congratulations!

You will receive a letter from the Mathematics of Operations Research editorial office with instructions for preparing your files for production.

On behalf of the editors of Mathematics of Operations Research, we look forward to your continued contributions to the journal.

Sincerely,

Jim Dai

Editor-in-Chief, Mathematics of Operations Research Professor of Operations Research, Cornell University

+1-607-255-4223

http://pubsonline.informs.org/journal/moor

\*\*\*\*\*\*

Comments to Author:

Area Editor: 1

Comments to the Author:

Many thanks for our careful revision. Happy to accept.

Associate Editor: 2

Comments to the Author: (There are no comments.)

Reviewers' Comments to Author:

**Table 1. Research Summary** 

Metric	Value
Peer-reviewed journal publications (in rank and total)	3/4
Peer-reviewed conference proceedings (in rank and total)	18 / 30
Number of journal papers in rank with supervised student(s) and/or post-docs from UT as co-author(s)	1
Number of journal papers in rank with supervised student(s) from UT as co-author*	0
Total citations of all publications (career) from ISI Web of Knowledge	79
Largest number of citations for a single paper based on work at UT (ISI Web of Knowledge)	5
h-index (career) from ISI Web of Knowledge	4
Total citations of all publications (career) from Google Scholar	923
Largest number of citations for a single paper based on work at UT (Google Scholar)	36
h-index (career) from Google Scholar	17
Total external research funding raised in rank	\$2,659,123

Table 2. Current External Grants and Contracts Awarded

Role of Candidate and Co-Investigators	Title	Agency	Project Total	Candidate's Share	Grant Period
Co-PI Le Xie (PI), Texas A&M Pravin Varaiya (Co-PI), UC Berkeley	Collaborative Research: CyberSEES: Coupon Incentive- based Risk Aware Demand Response in Smart Grid	NSF: Division of Computing and Communication Foundations	\$1,000,000	\$311,000	10/1/13- 9/30/18
PI	CAREER: Algorithms for Risk Mitigation in Networks	NSF: Division of Computing and Communication Foundations	\$448,123	\$448,123	5/15/14- 4/30/19
PI Michael C. Caramanis (Co-PI), Boston University	AitF: Collaborative Research: Algorithms and Mechanisms for the Distribution Grid	NSF: Division of Computing and Communication Foundations	\$800,000	\$479,985	10/1/17- 9/30/21

Table 3. External Grants and Contracts Awarded in Rank and Completed

Role of Candidate and Co-Investigators	Title	Agency	Project Total	Candidate's Share	Grant Period
PI	ICES: Small: Risk Aversion in Algorithmic Game Theory and Mechanism Design	NSF: Division of Computing and Communication Foundations	\$370,000	\$370,000	8/1/12- 8/31/17
PI	Maps Directions under Deadlines	Google Faculty Research Award	\$41,000	\$41,000	2013

**Table 4. Pending External Grants and Contracts** 

Role of Candidate and Co-Investigators	Title	Agency	Project Total	Candidate's Share	Grant Period
Co-PI	DNS4CES: Data- and	Department of	\$10,000,000	\$400,000	10/1/18-
PI: Georgios B. Giannakis (University of Minnesota) Co-PI: Sairaj Dhople	Network-driven Science for Complex Energy Systems	Energy (DOE) Office of Science Program Office			9/30/22
(University of					
Minnesota), Mingyi Hong (University of					
Minnesota), Yousef Saad (University of					
Minnesota), Hao Zhu					
(UT ECE), Ross Baldick					
(UT ECE), Constantine					
Caramanis (UT ECE),					
Lang Tong (Cornell), David Bindel (Cornell),					
Eilyan Bitar (Cornell),					
Ari Juels (Cornell),					
Vassilis Kekatos					
(Virginia Tech), Walid Saad (Virginia Tech),					
Nikolas D. Sidiropoulos					
(University of Virginia),					
Zongli Lin (University of					
Virginia), Emiliano					
Dall'Anese (University					
of Colorado Boulder),					
Lucy Pao (University of					
Colorado Boulder)					

### Budget Council Assessment on Teaching Performance for Faculty Promotion Candidate Evdokia Nikolova

This report was prepared by Budget Council Members Professor Christine Julien and Professor Jon Valvano and is their evaluation of Dr. Nikolova's teaching record.

Evaluation Procedure: The evaluation procedure includes reviewing (a) Dr. Nikolova's teaching portfolio; (b) course evaluations by peers as well as students; (c) graduate research supervision activities; (d) peer assessments of her classroom performance; and (e) her performance in comparison to other Assistant Professors in the department.

### **Teaching Statement and Philosophy:**

Dr. Nikolova values teaching at all levels: from graduate research advising, to graduate teaching, undergraduate teaching, and even fostering the next generation of engineering students. Her philosophy balances the formal and fundamentals with practical examples, even in the most advanced abstract graduate courses. She also has a history of meaningfully weaving research exposure and experience into the classroom, even in undergraduate courses.

While at UT, Dr. Nikolova has introduced two new graduate courses and stepped in to fill a much needed role in a high-demand undergraduate course. The latter course is a course with a long history in the ECE department, but Dr. Nikolova has worked to put her own stamp on the course while also contributing to a team effort to unify the sections of the course. She has contributed in many other ways to the department's teaching mission, including reaching newly enrolling students though Camp Texas and teaching future students through the Edison Lecture Series.

### **Course Evaluation:**

While in rank as an Assistant Professor in the UT ECE department, Dr. Nikolova has taught one undergraduate course multiple times and introduced two much-needed graduate courses. At the undergraduate level, she has taught EE360C: an upper division course that is nonetheless required for a very large fraction of ECE undergraduate students. Dr. Nikolova has taught this course four times, and she was among the first instructors to "team teach" the course, keeping multiple sections offered in the same semester "in step" with the same assignments, lecture material, TAs, etc. This innovation has since transferred across the many instructors of the course. Dr. Nikolova (along with her teammate Dr. Soloveichik) also noticed that the students in EE360C would greatly benefit from more individualized instruction. To address this, the pair initiated voluntary recitation sections, which the students have greatly appreciated. This practice has since also been adopted by other instructors of the course. Across the four sections of this

course Dr. Nikolova has taught while at UT, she has maintained an average instructor rating of 3.9 and an average course rating of 3.5, both of which are in line with the averages of all other instructors of the course at 3.8 and 3.7. Students comment on her willingness to engage with the class and to spontaneously try examples from the students. The students also explicitly noted the usefulness of the weekly problem-solving sessions that Dr. Nikolova introduced to this course.

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Typical positive comments from her CIS (undergrad EE360C)
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Example negative comments from her CIS (undergrad EE360C)

At the graduate level, Dr. Nikolova has introduced two new courses to the curriculum, filling a much-needed gap in formal algorithm instruction in the ECE department. She has offered an Advanced Algorithms course that focuses on approximation algorithms. Even with the difficult abstract material, Dr. Nikolova makes an extensive effort to integrate real-world application examples to make the material more accessible to students from wide-ranging backgrounds. In two offerings of this course, Dr. Nikolova's average instructor rating and course rating are 4.1 and 3.8, respectively. The second graduate course Dr. Nikolova has offered at UT is a graduate course in Game Theory. This is also new to the curriculum and covers an advanced topic; Dr. Nikolova's ratings for this course are similarly high at 4.1 for both the instructor and course ratings. In the limited available written comments for her graduate courses, students do highlight Dr. Nikolova's obvious motivation and enthusiasm for the material.

Typical positive comments from her CIS (grad EE381V)

Example negative comments from her CIS (grad EE381V)

<sup>&</sup>quot;good teacher" "learned a lot"

<sup>&</sup>quot;easily reachable" "awesome"

<sup>&</sup>quot;engaging" "patient"

<sup>&</sup>quot;dedicated and enthusiastic"

<sup>&</sup>quot;passion for teaching"

<sup>&</sup>quot;knowledgeable"

<sup>&</sup>quot;The professor is great" "super helpful" "cares about students"

<sup>&</sup>quot;wish she had more office hours"

<sup>&</sup>quot;explained poorly, went too fast"

<sup>&</sup>quot;good class, great material, boring lectures"

<sup>&</sup>quot;write bigger on the board" "handwriting is too small"

<sup>&</sup>quot;high level of energy"

<sup>&</sup>quot;difficult, but I learned a lot"

<sup>&</sup>quot;great course"

### **Peer Evaluations:**

Our faculty's peer evaluations of Dr. Nikolova's teaching repeatedly identify her interactive teaching style and use of the board for lectures as substantially contributing to her effectiveness as a teacher. Further, Dr. Nikolova has stepped into the rotation of a high demand undergraduate course (EE360C) that comes with many inherent challenges. While reaching all of the students in this large lecture class format is very difficult, the peer observations highlight multiple strategies that Dr. Nikolova has employed (e.g., frequent quizzes, lecture style, etc.) that aim to increase student engagement and improve her already high effectiveness.

### Quotes from her peer evaluations:

"Overall, EE381V is an excellent class, well run and well taught by an outstanding young professor" (4/2/2015 EE381V – Advanced Algorithms, Professor Chase)

"I found her approach, blending intuition, motivation and also rigorous derivation, to be very effective." (3/31/2017 EE381V – Advanced Algorithms, Professor Caramanis)

"I generally found her teaching style, board work, and broader teaching techniques (like the quizzes) to be effective. Evdokia has a very clear teaching style. She is well prepared and organized. And she appeared to try hard to engage the class" (12/7/2017 EE360C Algorithms, Professor Caramanis)

### **Graduate Research Supervision:**

Dr. Nikolova's research supervisions have been at or above expectations for an assistant professor in the ECE department. She makes a conscious effort to focus on building a *team* while also developing individual skills in her students that go beyond just basic research execution. While in rank, Dr. Nikolova has one PhD student who will graduate in August, successfully advised one post-doctoral researcher, and grown a vibrant group of six graduate researchers.

### **Summary:**

Dr. Nikolova takes her teaching obligations very seriously and has strived to improve her teaching effectiveness while still addressing the needs of the ECE department and its students. Along with Dr. Soloveichik, she has added a "Lunch with the Professors" component of EE360C

<sup>&</sup>quot;no enthusiasm makes most classes boring"

<sup>&</sup>quot;have solutions for homework"

to give the students more access to informal mentoring and advising. In closing, Dr. Nikolova is passionate about teaching, which comes across to her students and results in a highly effective style. Her teaching record clearly exceeds the expectation for an Assistant Professor in the Department of Electrical and Computer Engineering.

Statement prepared by Budget Council Members Professors Christine Julien and Jonathan Valvano

Christ I Jonathan Valour

### Evdokia Nikolova

Assistant Professor University of Texas at Austin

### TEACHING STATEMENT

### 1. Teaching Philosophy

**Motivation and challenges.** As the daughter of a life-long high-school teacher of mathematics, my first professional aspirations were to become a teacher. I was fortunate to discover my love for teaching very early on—while tutoring mathematics to fellow students in middle-school and high-school. During this first formal experience in teaching, I developed an understanding of the differences in learning styles among students and I felt very rewarded as I was able to tailor my teaching style to every individual student.

As a college and PhD student, I served as a teaching assistant for several undergraduate courses, including "Introduction to Algorithms" and a mathematics course on "Functions and Graphs" at Harvard, and a graduate course "Game Theory" at MIT EECS. My students ranged from undergraduates to adults with very diverse mathematical backgrounds. The transition from my earlier experience with one-on-one tutoring to teaching a roomful of students was challenging: because in a classroom, I have to address the class as a whole, unable to adapt my explanations of concepts and proofs to the individual levels that were best fitted for each student. This is inevitably a challenge for every teacher addressing a roomful of students with diverse backgrounds and aptitudes for learning—and there is no easy solution. I have continued looking for ways to address these challenges as a course instructor at Texas A&M and at UT Austin—in the undergraduate courses on algorithms and the graduate courses "Risk-averse and Stochastic Optimization" and "Algorithmic Game Theory" that I developed and taught, and especially the graduate course "Advanced Algorithms," which I taught in Fall 2012 to more than 50 students from multiple departments (Computer Science, Electrical, Mechanical and Civil Engineering, and Economics). I revisit my undergraduate and graduate teaching in more detail in the subsequent sections.

**Teaching style.** While lecturing, my style is to pay close attention to the (often silent) reactions of students to what I say: I look for cues and facial expressions, as well as answers to my frequent prompts for questions, as a way of testing whether I am successful in connecting with my audience. Grading assignments, exams, as well as soliciting direct feedback is also an invaluable way of being on top of the needs of individual students and my overall teaching effectiveness. The undergraduate and graduate courses have been rewarding in distinct ways: teaching fundamental material offers an exciting opportunity time and again to develop the appreciation of "newcomers" for scientific concepts that our research profession as well as a number of real-life applications build on. An advanced course, on the other hand, presents an opportunity for a dialogue and mutual learning experience that also gives me, the lecturer, an exciting new look at the corresponding material.

Some of my first role-models were my own high-school and college teachers of mathematics. I admired the clarity of their lecture style, the detailed writing and beautiful organization of the material on the blackboard, the carefully chosen problems to spark the students' attention while also conveying the course material. For theoretical material, I believe that it is crucial for every student to learn to construct and write proofs, and the best way to teach this is by example. However, I recognize that I would also be teaching students with more applied interests: for those I try to motivate and spark the interest in theoretical concepts with relevant practical applications. I will continue following a similar teaching style as my role-model teachers, by carefully combining detailed presentation of concepts with higher-level overview of their importance.

### 2. Undergraduate Teaching

Honors Undergraduate Algorithms with Novel Research Component at TAMU. My first undergraduate teaching course was an Honors Algorithms course that I taught at Texas A&M University (TAMU). I had around eleven very highly motivated students in the class, and I started out with an ambitious innovation to interweave a semester-long research project and teach them about research. My goal was to motivate them with the material I taught in class and spark their passion for the unknown. It was a research project on shortest paths, one of the core problems with multiple algorithms covered in standard undergraduate algorithms courses, the research novelty being that each network edge had two weights rather than one (corresponding to two criteria users care about, say travel time and travel cost). The goal was to find all possible shortest paths that minimize some linear combination of the two weights—specifically, I wanted them to implement a computer program searching for the maximum number of such paths in planar graphs or give some theoretical analysis on what they thought the maximum number was. I figured it was a very easy problem to explain while still being an open research problem that I am actively interested in.

The research component was a great success since, on the one hand, it had clear deliverables that I used as part of the homework and programming assignments I designed. On the other hand, it left room for creativity on the part of the students for trying to find methods of generating more and more paths, and culminated in a friendly competition among different teams who showcased the graphs and edge weights with maximum number of paths in final project papers and presentations they gave at the end of the semester. During the course of the semester, I had set milestones and was regularly meeting with and closely mentoring the students with their research progress. At the end of the semester, I encouraged the best student to engage in undergraduate research, which he did with me for the subsequent semester. I believe this was a special experience for all students in the course, as it was for me, which I would love to repeat at UT Austin once the inaugural honors undergraduate EE program takes off.

Algorithms EE 360C at UT. At UT Austin, I have been teaching the undergraduate algorithms class EE 360C, which is a required course for many EE majors and my sections have had enrollments ranging from 61 to 82 students. This is one of the most demanding courses in the EE curriculum, taken predominantly by juniors and seniors. It is especially challenging to teach due to its demanding mathematical material and the inexperience of many students with writing mathematical proofs (a skill that takes years to develop, like good writing, and unfortunately the prerequisite course "Discrete Mathematics" offered by the Math department is not enough to teach them that skill). I developed several new lectures for EE 360C on the topics of shortest paths and NP-Completeness, as well as new homeworks and exams, while also building on teaching material developed by Prof. Julien from prior iterations of the course.

The difference of my current teaching style over my own experience of learning as a student, is that I use a combination of slides and white-board teaching. Alternating between the two breaks the monotonicity of either style and seems to better engage the students' attention. The slides, made available to the students, are useful for them to focus on understanding what I say in real-time rather than worrying about writing down every word I say (as was my own learning experience as a student). The white-board on the other hand is essential for practice in rigorous mathematical writing and naturally slows down the pace so more difficult mathematical concepts have time to be absorbed. I also alternate teaching new material with problem solving on the board in lecture. Something that greatly enhanced my own learning and experience as an undergraduate at Harvard University was the recitation/problem-solving sections accompanying each course, taught by teaching assistants to at most 10-15 students in the course assigned to the corresponding section.

My fellow instructor, Prof. David Soloveichik, and I experimented with that method for the first time in EE 360C in Fall 2017 at UT Austin, introducing two recitation sections per week, which the TAs alternated teaching. Our idea was then also adopted by Prof. Julien who taught 360C in Spring 2018. It would be

invaluable to have more TA help to lead (mandatory or voluntary) problem solving sessions in smaller student groups since those would allow for much greater interaction and an enhanced learning experience for the students. Additionally, we held an event outside the classroom, "Lunch with the professors," to show our personal sides during an informal dialogue driven by the student questions to us. All students across the three sections taught that semester were welcome to join, and we heard very positive student feedback (including on my teaching evaluations) and encouragement to repeat the event on a regular basis in future semesters.

Comments from student evaluations. The difficulty of the course has also made it hard to find qualified teaching assistants. In two of the semesters I taught the course (Fall 2016 and Fall 2017), the available TA candidate pool was especially limited. That issue was coupled with even worse performance than we expected from the appointed TAs, which we diligently tried to improve through increased communication and weekly staff meetings. I believe that was the key factor for lowering my instructor and course evaluations. Most handwritten comments on the student evaluations are very positive on my quality of teaching and care for the students<sup>1</sup>; the negative comments are directed mainly toward the TAs and their responsibilities (creating and grading homework and programming assignments).<sup>2</sup> I have tried hard to learn from my experience and the advice of my colleagues that I continuously solicit, and I will keep working on developing better techniques for recruiting and selecting highly qualified TAs, as well as becoming better at TA management in future semesters.

### 3. Graduate Teaching

Advanced algorithms. At TAMU, I developed a new graduate class on advanced algorithms. At the time, I was criticized for making the course too hard. At UT, on the contrary, I recognized the much more advanced theoretical graduate student body and was encouraged by colleagues to teach harder material. So I developed an entirely different and much more advanced version that focuses on "approximation algorithms," which is a rigorous mathematical field of algorithmic techniques for hard problems that have no known efficient algorithms. (Examples from real-life include how a courier service like UPS can most efficiently visit multiple addresses to complete deliveries in the shortest amount of time or distance driven—the theoretical equivalent is known as the "Traveling Salesman Problem", a notoriously hard theoretical problem for which there is still great research interest for improving existing algorithm designs and performance.)

Game theory. There is no regularly offered class on Algorithmic Game Theory at UT, and it has been a challenge for the students here to be educated or engage in research in the interface at Electrical Engineering & Computer Science, and Economics departments. I developed and taught a new course on "Algorithmic Game Theory" in Spring 2012, and will continue incorporating new state-of-the-art material into the course in subsequent years. Due to the high practical relevance of this field and its lack in the curriculum so far, I anticipate student interest at both the undergraduate and graduate levels and multiple disciplines (electrical engineering, computer science, operations research, mathematics, civil engineering, aero-astro), and in the future I might try offering a combined graduate-undergraduate version.

**Risk-averse Optimization (TAMU).** This was the first graduate class that I taught at Texas A&M, in a seminar style where students alternated giving presentations on research papers, followed by discussion of the papers by the entire class. The course drew a diverse audience of students from civil engineering, industrial

<sup>1</sup> Example of positive student comment: "Dr Nikolova you were Awesome! You presented material and walked through problems in a patient way that made concepts easy-to-understand. Overall, extremely glad I had you for this course! Also, loved how excited about the material you were!"

<sup>2</sup> Example of negative student comment: "The programming assignments were disorganized and graded too hastily by TAs."

engineering, mathematics and computer science.

### 4. Individual Instruction

I care deeply about each member of my research group, which has rapidly grown to 6 students (two of them co-advised) and 2 postdocs (one postdoc finished in December 2017 and is now a lecturer at the National Technical University of Athens, while my first PhD student, Ger Yang, successfully defended his PhD thesis in May 2018 and is graduating in August 2018). My motto with my PhD students and postdocs is that *each of them should feel special!* I truly believe that encouragement brings out the best in a human being, and maybe a tiny dose of friendly competition (but not too much to discourage them!). I operate my group as a team. I encourage every group member to feel responsible for the well-being of the other group members and to learn from them and appreciate the others' unique strengths and talents. I try hard to help each of my students/postdocs discover and develop their unique strengths and talents, while nurturing them to grow into a balanced and well-rounded human being in both research and life. I also try gently to help them improve on weaknesses, social and academic alike. I feel deeply rewarded as an advisor when I manage to help them reach personal and professional fulfillment.

### 5. Outreach, increasing diversity and future plans

Teaching for a broad audience outside the classroom. I believe that down-to-earth accessible teaching is essential for inspiring young people to pursue research for the advancement of research itself and, even more critical, the advancement of interdisciplinary research. In an effort to bridge the gap between theoretical computer science and other disciplines, I gave an introductory lecture "A Brief Introduction to Algorithms, Game Theory and Risk-Averse Decision Making", recorded at the Simons Institute in Berkeley, CA. In the following months, I received several compliments that the lecture was very clear and helped them to better understand the field of algorithms, from both students and faculty members from other research disciplines (A UC Berkeley EECS professor and a UT colleague working in power systems). I expended a great deal of time preparing the lecture, rehearsing and reworking it to ensure its broad accessibility so their unsolicited comments were extremely rewarding. This lecture now has over 700 views on YouTube and a link is available on my website.

Outreach and community building. I believe that the highest impact on increasing diversity in engineering and STEM disciplines in general will be achieved through role models and building communities so underrepresented students do not feel isolated. Hoping to become a role model, I gave four lectures on "Computing for Green" to over 1000 K-12 students of diverse backgrounds from Austin and Central Texas, in Feb. 2016, as part of the annual "Edison Lecture Series" at UT Austin. I have also spoken for three consecutive years at Camp Texas to incoming UT freshmen on topics including how to succeed in college, choosing a major and a career, and research. Additionally, to encourage the entry of underrepresented students into STEM disciplines, my dream is to help build communities through novel initiatives by combining STEM and non-STEM disciplines, such as mathematics and dance, in one-day events and summer programs. In the past, I organized a belly-dancing class for electrical engineering majors that was attended by about 30 undergraduates from UT Austin (including two brave male students!). I also plan to run one-day pilot programs that combine research lectures by faculty and dance classes (possibly also by faculty) for undergraduates before expanding to math-dance summer camps for middle and high-school students.

Additional mentoring. As a graduate student at MIT, I had the opportunity to mentor several high-school students in research (from the very competitive "Research Science Institute" (RSI) program for high-school students that takes place every summer at MIT). At the Spring 2018 Simons Research Program on "Real-time Decision Making" that I co-organized, I served as official mentor for Sofya Vorotnikova, a Simons fellow and PhD student from UMass-Amherst. Both formal and informal mentoring is critical to nurture progress,

motivation and fulfillment at all levels of one's career. I have myself benefited enormously from my mentors and advisors, and I look forward to counseling and guiding my students/mentees to ensure they reach their full potential and find rewarding and fulfilling career paths.

### **Summary Tables**

**Table 1. Summary of Course-Instructor Ratings** 

Metric	Value
Total # of students taught in organized courses	341
Average instructor evaluation for UG courses	3.9
Average instructor evaluation for Grad courses	4.1
Average course evaluation for UG courses	3.5
Average course evaluation for Grad courses	3.9

Table 2. Course Schedule by Semester with Number of Students Indicated

Semester		Enrollment	Instructor Score	Course Score
Spring 2018	Taught double load in Fall 2017			
Fall 2017	EE 360C: Algorithms	69	3.9	3.7
raii 2017	EE 360C: Algorithms	65	3.7	3.3
Spring 2017	EE 381V: Advanced Algorithms	26	3.9	3.5
Fall 2016	EE 360C: Algorithms	82	3.9	3.4
Spring 2016	On teaching relief			
Fall 2015	On teaching relief			
Spring 2015	EE 381V: Advanced Algorithms	22	4.3	4.1
Fall 2014	EE 360C: Algorithms	61	4.0	3.7
Spring 2014	EE 381V: Game Theory	16	4.1	4.1

Table 3. Summary of Graduate Students Currently Supervised at UT Austin

Student Name	Co-Supervisor	Degree	Start Date	Date Reached Candidacy	Date Expected to Reach Candidacy	Expected Graduation (end) Date
Ger Yang		PhD	08/2014	11/2017		Summer 2018
Soumya Basu	Sanjay Shakkottai	PhD	08/2014		Spring 2018	Spring 2019
Ali Khodabakhsh		PhD	08/2015		Fall 2018	Fall 2019
Orestis		PhD	08/2016		Fall 2019	Fall 2020
Papadigenopoulos						
Isidoros Giotis		PhD	08/2017		Fall 2020	Fall 2021
Nithin Ramesan	Francois Baccelli	PhD	08/2017		Fall 2020	Fall 2021
Eftychia Vakaliou		PhD	08/2018		Fall 2021	Fall 2022

# Evdokia Nikolova Department of Electrical and Computer Engineering Course Rating Averages

What source was used to complete this chart? My CIS

### EE 360C: Algorithms

		Number of	Instructor	
Semester	Class Size	Responses	Rating	Course Rating
F14	61	42	4.0	3.7
F16	82	38	3.9	3.4
F17	65	46	3.7	3.3
F17	69	46	3.9	3.7
Mean	69	43	3.9	3.5

### **EE 381V: Advanced Algorithms**

		Number of	Instructor	
Semester	Class Size	Responses	Rating	Course Rating
Sp15	22	19	4.3	4.1
Sp17	26	16	3.9	3.5
Mean	24	17.5	4.1	3.8

### **EE 381V: Game Theory**

	Semester	Class Size	Number of Responses	Instructor Rating	Course Rating
	Sp14	16	14	4.1	4.1
_	Mean	16	14	4.1	4.1

### Course Instructor Survey Results

Name/EID: NIKOLOVA, EVDOKIA (en4762)

Department: Elec & Computer Engr

Report Date: 07-10-2018

				Instruction	Enroll-	# of Surveys	Avg. Overall	Avg. Overall
Semester	Unique #	Course #	Course Title	Туре	ment	Returned	Instruct. Rating	Course Rating
Spring 2014	17259	E E 381V	GAME THEORY	Organized	16	14	4.1	4.1
Fall 2014	17070	E E 360C	ALGORITHMS	Organized	61	42	4	3.7
Spring 2015	16535	E E 381V	ADVANCED ALGORITHMS	Organized	22	19	4.3	4.1
Fall 2016	16685	E E 360C	ALGORITHMS	Organized	82	38	3.9	3.4
Spring 2017	16785	E E 381V	ADVANCED ALGORITHMS	Organized	26	16	3.9	3.5
Fall 2017	16495	E E 360C	ALGORITHMS	Organized	69	46	3.9	3.7
Fall 2017	16500	E E 360C	ALGORITHMS	Organized	65	46	3.7	3.3

### Teaching Evaluation of Evdokia Nikolova

Peer review by Craig Chase - April 2, 2015

I attended Evdokia (Eddie) Nikolova's lecture of EE381V, "Advanced Algorithms" on April 2, 2015. There were approximately fifteen graduate students in attendance.

### Overall Evaluation

Professor Nikolova quite obviously cares deeply about teaching and has a profound understanding of her discipline. I attended one of Eddie's lectures for her graduate course, EE381V "Advanced Algorithms" in Spring 2015 and met with Eddie afterwards to discuss her approach to teaching generally and her work with EE381V specifically. I came away from this experience very impressed with Eddie's teaching.

### Clarity and effectiveness of presentation:

On the day of my observations, Eddie presented material on algorithms for constraint satisfaction problems. She began the class by summarizing (briefly) the results from the previous lecture, which had introduced the Unique Games Conjecture, an important recent research result in the area of constraint-satisfaction problems. The Unique Games Conjecture suggests that in important general cases efficient algorithms for constraint-satisfaction problems cannot exist. Eddie used her summary of this result to both motivate and place into context her current lecture, which revolved around efficient algorithms for constraint-satisfaction problems where most (but not all) constraints are satisfied. This complex technical tightrope (between the intractable variations of the problem and the solvable variations) can be very difficult to understand, and the subtleties of the distinctions are easily lost upon non-experts. Nevertheless, even as an outsider to the field, I felt I was able to follow the "big picture" ideas regarding what Eddie was trying to explain, why it was important, as well as how the algorithm itself was developed.

Eddie used hand-written notes on the document camera for her presentation. She derived methodically the algorithm that she was presenting, using the notes to capture the step-by-step elements of the algorithm as well as the proofs that the algorithm was correct. The notes themselves were extremely well organized and very neatly written. I confirmed after the lecture with Eddie that she distributed those notes to her students. For the topic she was presenting, I find this combination of real-time derivations of the algorithm/proofs along with the distributed lecture notes to be much preferable to power-point.

### Observations of Students:

Eddie's students were attentive and asked several questions during the lecture. The students appeared to be very familiar with the algorithm background (much more so than I was), related to the current lecture and fully aware of the significance of the approximation algorithm that Eddie presented. I noted

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that one of the students attending the class was a previous teaching assistant of mine, and I asked that student informally for his feedback. While only a single anecdote and not necessarily reflective of the experience of every student, my previous TA had very positive comments for Eddie and her class.

One suggestion that I had for Eddie (and I provided this suggestion to her during our meeting) was that she repeat student questions aloud to the class as a whole. Some of her students spoke somewhat quietly while asking their questions, and while Eddie could hear the question, I (and I presume several other students) could not hear the question, only Eddie's response. Beyond this minor issue, I found that Eddie managed the classroom experience extremely well and created a learning environment that is entirely appropriate for a graduate course.

### Summary

Eddie is supremely competent in her field and an excellent lecturer and teacher. If I were a student, I would certainly seek out her classes. She provides good context for the material she is presenting, is well organized in her approach and methodology, and she creates excellent materials for her students to use in their out-of-classroom study. I provided Eddie with two small suggestions for improvement; before responding to student questions, she should try to restate the question so that the entire class can hear and understand the question. I also encouraged Eddie to communicate, as part of her lecture summaries, her expectations of exactly what the students should take away from the lecture. In the context of a deeply-technical discussion of approximation algorithms to constraint-satisfaction problems, should the students know the algorithm(s) she derived, the proof techniques for the algorithm, or the framework within which the constraint-satisfaction problem is relaxed so that the problem becomes tractable, or all of the above? I note that, based on my anecdotal conversations with the student I knew in her class, the students do feel they understand what is expected of them (in part through the homework assignments), so my suggestion addresses a very minor concern. Overall, EE381V is an excellent class, well run and well taught by an outstanding young professor.

I met with Eddie and provided feedback from this review on April 2, 2015.

Craig M. Chase, Ph.D. Associate Professor

Crang My Chan

Raytheon Faculty Fellow in Engineering Electrical and Computer Engineering

The University of Texas at Austin



### ELECTRICAL AND COMPUTER ENGINEERING DEPARTMENT

Cockrell School of Engineering

1616 Guadalupe St. • UTA Building, 7th Floor • Austin, Texas 78701 http://www.ece.utexas.edu/

March 31, 2017

Constantine Caramanis
Associate Professor
Fluor Centennial Teaching Fellowship
Dept. of Electrical and Computer Engineering
The University of Texas at Austin
Tel. (512) 471-9269
constantine@utexas.edu

Teaching Evaluation for Evdokia Nikolova:

On Monday, March 27<sup>th</sup>, 2017, I observed Evdokia Nikolova teach EE381V – Advanced Algorithms. This course develops advanced concepts from algorithms, complexity, approximation and algorithms and randomized algorithms. It is a highly technical class, aimed at developing both techniques and also their rigorous analysis. The course requires using technical material from many areas, including probability/stochastic processes, algorithms, optimization and combinatorics.

In the class I attended, Evdokia began the discussion of the Unique Games Conjecture and its implications. Briefly this is an assumption that has largely become a complexity primitive similar to the concept of NP completeness. In fact, it is in many interesting settings largely complementary to NP completeness.

In the class, Evdokia explained the Unique Games Conjecture, first at a higher level, aiming to convey the key intuition of what it means and what its implications might be, and then in more full technical details. In between doing these two things, she also gave a strong motivation for why we might care. She linked back to work she had done in a previous class, discussing the approximability of MAXCUT. MAXCUT is a celebrated problem in randomized algorithms because of the Goemans-Williamson SDP relaxation and rounding approach, which gives a guarantee of a 0.878... approximation. It is known that unless P = NP, MAXCUT cannot be approximated to better than a 0.94... however, under the Unique Games Conjecture, the MAXCUT approximation ratio is unimprovable.

I found her approach, blending intuition, motivation and also rigorous derivation, to be very effective.

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Evdokia has a very clear teaching style. She lectures on the board. She has a very organized and therefore effective style, particularly considering the highly technical/theoretical nature of the material.

There was some interaction with the class, though not too much. The students seemed fairly engaged.

These are the main elements of her teaching that I observed in class, and they all gave me the clear sense that Evdokia is an effective classroom teacher.

Sincerely,

Constantine Caramanis



### DEPARTMENT OF ELECTRICAL AND COMPUTER ENGINEERING

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Prof. Constantine Caramanis
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Fluor Centennial Teaching Fellowship
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The University of Texas at Austin
E-mail: constantine@utexas.edu
Phone: (512) 471-9269

May 31, 2018

Teaching Evaluation for Evdokia Nikolova:

On Thursday, December 7<sup>th</sup>, 2017, I observed Evdokia Nikolova teach the undergraduate class EE360C – Algorithms. This course develops fundamental ideas from algorithm design and analysis, studies computational complexity and computational complexity classes and reductions, and is also one of our curriculum's classes that emphasize proof writing. It is a highly technical class, aimed at developing both techniques and also their rigorous analysis. The course requires using technical material from many areas, and is also a key required course for the Software Engineering and also Data Science technical cores – two of the most populated technical cores.

In the class I attended, there was an in-class quiz. As Evdokia explained to me when we discussed the class and her ideas for overcoming some of the challenges she faces, she uses fairly frequent in-class quizzes as a technique for encouraging engagement and continues focus on the course material. This quiz was to be on a topic related NP-completeness and the subset-sum problem. Accordingly, in the first party of the class, Evdokia went over several example problems relating to the challenge of demonstrating via complexity-preserving reductions, that a problem is NP-complete. She discussed the problem of answering whether a graph has a Advanced problem solving methods; algorithm design principles; complexity analysis; study of the nature, impact, and handling of intractability; study of common algorithmic classes and their applications. Feedback vertex set of k or fewer vertices. Then she similarly led a discussion on approximate subset sum, and on the knapsack problem.

The notion of NP-completeness is difficult to grasp and abstract. Moreover, deriving reductions from one problem to another requires technical mastery combined with careful – sometimes even creative – intuition. Therefore, this is a challenging topic to teach. Evdokia's class was very large, and as undergraduates are often wont to do, many of the students sat as far in the back as the room seating would allow. This sets up a challenging environment, particularly for teaching very technical matter. Evdokia's style, at least for this portion of the class, is to lecture on the board. This allows her to attempt to engage with the students and take suggestions from the audience on how to proceed. While the classroom is quite big, Evdokia's board-style was fairly effective in

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encouraging some number of students to participate, to offer suggestions on how to proceed, and to ask questions as well. Certainly, a large number of students appeared checked out, from my vantage point at the back of the room. And drawing those students in is a central challenge that Evdokia faces. She says that her interactive style, and also use of in-class quizzes on material that is being discussed at least in part during class, is in part of her attempt to address the significant challenge of keeping large numbers of undergraduate students engaged throughout the discussion of highly technical material.

I generally found her teaching style, board work, and broader teaching techniques (like the quizzes) to be effective. Evdokia has a very clear teaching style. She is well prepared and organized. And she appeared to try hard to engage the class.

These are the main elements of her teaching that I observed in class, and they all gave me the clear sense that Evdokia is an effective classroom teacher.

Evdokia and I discussed the overall class, her goals in the class, and her strategies in the class on numerous occasions. Most recently, we discussed my observations in the class I attended.

Sincerely,

**Constantine Caramanis** 

09/06/18 PROGRAM AFPDFGC2 THE UNIVERSITY OF TEXAS AT AUSTIN
OFFICE OF THE PROVOST
COMMITTEE REPORT A MASTERS AND DOCTORAL
FOR NIKOLOVA, EVDOKIÁ

PAGE	: '	

STUDENT NAME	EID	LAST CCYYS ENRL	COMM POSITION	MAST OR DOCT	1ST DEGREE	FIELD	CCYYS	2ND DEGREE	FIELD	CCYYS
ALKHATEEB, AHMED A. N. Y.	aaa4325	20169	MEMBER	D	PH.D.	ELECTRICAL AND COM	20169			
CHAUHAN, HIMANSHU	hc8445	20176	MEMBER	D	PH.D.	ELECTRICAL AND COM	20176			
DOMANIC, NEVZAT ONUR	nod67	20176	MEMBER	D	PH.D.	COMPUTER SCIENCE	20176			
NARAYANA PRASAD, M.	mn9599	20189	MEMBER	D						
PADULLAPARTI, HARSHA VARD	hp6888	20186	MEMBER	D	PH.D.	ELECTRICAL AND COM	20186			
RAMBHA, TARUN	tr7544	20166	MEMBER	D	PH.D.	CIVIL ENGINEERING	20166			
SHIN, HUNYOUNG	hs9576	20179	MEMBER	D	PH.D.	ELECTRICAL AND COM	20179			
YANG, GER	gy2362	20186	CHAIR	D	PH.D.	ELECTRICAL AND COM	20186			

### List of Postdoctoral Fellows Supervised

(in rank)

Evdokia Nikolova
Department of Electrical and Computer Engineering, The University of Texas at Austin nikolova@austin.utexas.edu

Athanasios (Thanasis) Lianeas (Ph.D., National Technical University of Athens, 2014)

Postdoctoral years: 2015-2017

First employment: Lecturer, National Technical University of Athens

Emmanouil (Manolis) Pountourakis (Ph.D., Northwestern University, 2017)

Postdoctoral years: 2017-present

## **Budget Council Assessment on Research for Faculty Promotion Candidate Dr. Evdokia V. Nikolova**

### **Summary**

Assistant Professor Evdokia Nikolova leads a world-class research program in decision-making, specifically in the context of risk, with an emphasis on rigorous theoretical foundations and important applications that have a wide range of societal impacts. Dr. Nikolova has made foundational contributions in understanding the resulting equilibria, with important implications in many areas, e.g., the design of road tolls. She has a solid publication record, with 30 conference papers and 4 journal papers. Her work has received high recognition in academia (e.g., NSF CAREER Award 2014) and industry (e.g., Google Faculty Research Award 2013). Dr. Nikolova's research accomplishments clearly support her promotion to Associate Professor with tenure.

### **Research Area and Contributions**

Dr. Evdokia Nikolova's research concerns decision-making in network contexts, simultaneously representing the effects of risks and multiple decision makers. Risk has been recognized in recent decades as being very important to decision making, having perhaps first been studied in the context of financial decision-making. Risks arise because of uncertainty about various parameters that determine outcomes, and therefore uncertainty is present in essentially all systems. Consequently, the implications of risk is pervasive. Important examples where risk has a significant role in decisions include transportation and energy, where there is an underlying network. In these domains, and indeed in most areas of societal interaction, there are also multiple entities that make decisions based on their own priorities that may interact and conflict with each other. Congestion on roads is a canonical network example where the resulting decisions, or equilibrium, may result in over-utilization of road resources compared to a notionally optimal utilization of the road network. The deviation of outcomes in equilibrium from the notionally optimal utilization, and the resulting efficiency loss compared to optimal, is a useful way to evaluate the implications of decision-making.

An important insight by Dr. Nikolova is that risk can greatly affect decision-making, with a resulting further efficiency loss compared to optimal utilization due to incorporation of risk into the objectives of decision-makers. Dr. Nikolova's key contributions are in recognizing and analyzing the effect of risk on equilibrium. Her work has specific application in models of transportation and energy networks and more general applications in other network equilibrium settings, including energy and telecommunications.

Dr. Nikolova takes a mathematically rigorous approach to her analysis of risk in decision-making. Her work has systematically added consideration of risk into the computational determination of the equilibrium resulting from the interaction of decision-makers that have differing objectives. Her research has explored the modeling issues in representing risk and the way in which risk affects the game-theoretic performance of the system, defining the notion of the "price of risk aversion," which measures the worsening of equilibrium outcomes due to the risk-aversion of decision-makers. The paragraphs below discuss her intellectual and methodological contributions in three interrelated areas.

First, Dr. Nikolova's research has made significant contributions in **decision-making under risk**, including modeling risk in network routing with the mean-standard deviation risk model. This work recognizes that an objective that considers not just expected travel time, but also includes a multiple of the

standard deviation of travel time, can represent practical decision-making by realistic users through adding a "buffer." A careful and clear model is developed in several contexts to provide rigorous results on the price of risk aversion. By developing the analysis in an abstracted format, Dr. Nikolova provides several new results that are applicable to a variety of network contexts, including but not limited to road congestion, collectively constituting a unified analysis of the implications of the risk model on the efficiency of the resulting equilibrium. Her work also helps in understanding the sensitivity of the efficiency of the resulting equilibrium to risk averseness. This has important implications in models of a variety of human endeavors, from road and telecom congestion to electricity markets. She has also considered other risk-related objectives, including a mean-variance risk model.

Dr. Nikolova's second line of research considers the **interaction of users of tolled facilities and the owners** who set tolls. Road networks are a canonical example of this model. This work develops an important insight that by setting maximum prices caps on tolls, the network regulator can induce an equilibrium that maximizes the efficient use of the system. As in the analysis of risk, this work is characterized by a rigorous derivation of the equilibrium conditions, including analysis of various alternative arrangements that clarify the tradeoffs and implications of various detailed alternative arrangements and of the diversity of users. A compelling topological analysis is part of the overall development. Since certain topological structures (series-parallel networks and the Braess network) are also common in other networks, including electric power systems, some of the insights have even broader implications.

The third area is another network setting, namely in the **reconfiguration of electric distribution systems**. This area has received recent attention in part because the revolution of increased telemetry and control as part of the so-called "smart grid" can greatly enhance the ability to rearrange connections in the electric distribution system to achieve certain objectives such as minimizing losses or maximizing reliability. This work concerns a novel formulation of the loss minimization problem that allows for better understanding of algorithms applied to this problem.

### **Publications and Impact**

Dr. Nikolova's publication record is very strong. Her research has resulted in 30 conference papers (12 since joining UT). All of these conferences are peer-reviewed conferences with archived proceedings, and most are highly selective with acceptance rates of 30% or less. She has also published 4 journal papers, including one in *Operations Research* and another in *Mathematics of Operations Research*, which are extremely selective high-impact journals. Her publications include several papers at ACM and IEEE conferences, spanning computer science, networking, computational economics, and power systems. Her h-index on Google Scholar is 17, and the h-index since 2013 is 14, which are strong numbers for a researcher developing new theoretical and algorithmic tools.

### **Research Funding**

Dr. Nikolova has received an NSF Career Award and a Google Faculty Research Award. The Google Faculty Research Award is indicative of the value of her research to industry.

### **Peer Comparisons**

Name/Area	Institution	Title	Dates (PhD / start of current rank)	Pubs in top venues (in rank /total)	Cites current / Cites when promoted	H-index now/when promoted	Awards
Evdokia <u>Nikolova</u>	UT Austin	Assist Prof	2009 / 2011	<u>16</u> / 26	955 / <u>955</u>	17 / <u>17</u>	NSF Career 14, Google Faculty 13, Fell: 06, 03, 02, 01
							Patents: 10, 09, 08
							Student Best Pr: 18
Shaddin Dughmi	USC	Assoc Prof	2011 / 2017	14 / 29	934 / 803	17 / 16	NSF Career 14,
							Best Paper 11,
							Best Thesis
Vineet Goyal	Columbia	Assoc Prof	2008 / 2017	14 / 19	737 / 668	17/15	NSF Career 14,
							IBM Faculty 14,
							Google Faculty 13,
							Fellow: 03
Anup Rao	Univ of Washington	Assoc Prof	2007 / 2016	14 / 26	1490 / 942	19 / 15	NSF Career 12,
							Best Paper 06, 16
							Fellow: 03, 09

Seth Pettie	Univ of	Assoc	2004 /	15/27	2259 / 832	24 / 16	NSF Career
	Michigan	Prof	2012				<b>08</b> , Outst
							Dissert 04

### Conclusion

To summarize, Professor has established an accomplished research program specializing in the implications of risk, with applications in multiple areas. Her publications and awards amply demonstrate that she is deserving of promotion.

### **Basis for Evaluation**

This statement on the research of Assistant Professor Dr. Evdokia Nikolova was prepared by Budget Council Members Professors Ross Baldick and Sarfraz Khurshid. This statement was prepared following a review of her vita, her research papers, her external letters, and knowledge of her research.

Ross Baldick

Ross Baldick

Sarfraz Khurshid

KILLINGA

### **Five Most Significant Publications in Rank**

(Students and Post-Docs I supervised appear in bold)

- 1. **Thanasis Lianeas**, Evdokia Nikolova, Nicolas E. Stier Moses. Risk-averse selfish routing. Forthcoming in Mathematics of Operations Research (Accepted Sep. 2017).
- 2. Evdokia Nikolova, Nicolas E. Stier Moses. A Mean-Risk Model for the Traffic Assignment Problem with Stochastic Travel Times. Operations Research, 62:2, 366.382, 2014.
- 3. Georgios Piliouras, Evdokia Nikolova and Jeff S. Shamma. Risk Sensitivity of Price of Anarchy under Uncertainty. ACM Transactions on Economics and Computation (TEAC), Volume 5, Issue 1, November 2016, Article No. 5.
- 4. Jose Correa, Cristobal Guzman, **Thanasis Lianeas**, Evdokia Nikolova and Marc Schroeder. Network Pricing: How to Induce Optimal Flows Under Strategic Link Operators. In Proceedings of the Nineteenth ACM Conference on Economics and Computation (EC'18). Ithaca, NY, June 19-21, 2018.
- 5. **Ger Yang** and Evdokia Nikolova. Approximation Algorithms for Route Planning with Non-linear Objectives. In Proceedings of the Thirtieth AAAI Conference on Artificial Intelligence (AAAI'16). Phoenix, Arizona, February 12-17, 2016.

# Evdokia Nikolova Assistant Professor, University of Texas at Austin RESEARCH STATEMENT

### 1. Research Goals

My research is driven by applications in societal networks such as transportation and energy. The challenges in these complex systems are that different parties interact at multiple levels (such as network users, central planners, network operators) and there is a great degree of uncertainty. Thus, despite the explosive growth of connectedness and availability of data, these systems suffer from inefficiency and tremendous losses. For example, despite the increased availability of GPS and sensor traffic data, the cost of road traffic congestion was over \$160 Billion in 2014 in the U.S. alone and is expected to grow.

My research goal is to improve the design and efficiency of complex systems, via novel analytic tools that integrate game theory, risk analysis and computation. Specifically, my research develops novel mathematical models and provides rigorous theoretical analysis and solutions with optimality guarantees. In algorithmic game theory, my work on risk-averse selfish routing is among the first to consider the effect of risk on the efficiency of the system and the first to provide theoretical bounds on the level of inefficiency caused by how risk-averse users are.

### 2. Risk-averse Decision-Making

A large-scale system typically operates under a variety of uncertain parameters. When one wants robust and reliable solutions, modeling risk is key. For example, in transportation networks, travel times are uncertain and routing decisions are affected by the risk aversion of users. Moreover, the decision of each user is affected by the decisions of other users in the system: even with the best computing ability, my optimal route might well become the worst if everyone else chooses to take it. In a series of three papers [13, 15, 9], my coauthors and I aim to systematically understand (i) the key modeling question: How should we incorporate risk and uncertainty into an analysis of incentives? and (ii) the key technical question: How does risk affect the performance of a system? We do this in the context of network routing, a fundamental problem at the core of the development of the field of algorithmic game theory.

*Impact.* The above three papers happen to be my three most highly cited papers published since 2014, with 57, 26, 29 citations respectively on Google Scholar (including the citations to the corresponding conference papers), and for this line of work I was awarded the single PI NSF grant titled "Risk Aversion in Algorithmic Game Theory and Mechanism Design," which was my first submitted NSF proposal. Additionally, this research inspired a workshop with the same title that I co-organized in 2012, under the umbrella of the leading conference in the field, the ACM Conference on Economics and Computation.

Mean-standard deviation risk model in routing games The beginning of this line of work was inspired by a conversation with colleague Nicolas Stier-Moses, who had read earlier papers of mine on risk-averse routing and risk-averse optimization for a single user [12, 11] and asked: what would happen in the corresponding game where multiple users in the network try to find risk-minimizing routes? In [13], we combined the model of uncertainty and risk-aversion from my earlier papers with the classic model of a congestion game that he had worked on. Specifically, we postulated that each link in the network has expected travel time (latency) that is a nondecreasing function of the number of users or amount of traffic on that link, plus additional noise with zero mean and standard deviation that may or may not depend on the traffic. In terms of risk modeling, we decided to start with what we thought would be a relatively simple and natural first objective function, to minimize the mean plus standard deviation (abbreviated to mean-stdev) along a path, where the standard deviation is weighted by a parameter capturing the degree of risk-aversion.

The mean-stdev model was complicated to analyze, resulting in an exponentially large convex program for the user equilibrium in the simplest setting of traffic-independent uncertainty and non-atomic users

(namely, traffic modeled as a flow). In fact, with atomic (namely, finitely many discrete) users and traffic-dependent uncertainty, equilibrium was not even guaranteed to exist. An additional challenge was our realization that just describing the equilibrium, when it existed, may require exponential space since it was dependent on how much flow was routed along each of (potentially) exponentially many paths and not just on how much flow was routed along each of the polynomially many links in the network as in classic congestion games without uncertainty.

Risk sensitivity of price of anarchy The price of anarchy is a concept that quantifies the worst case efficiency loss in a system due to the decentralized decision making of multiple users, each optimizing their individual benefit, as opposed to a centralized optimization of the system performance. It has become a mainstream topic of study in algorithmic game theory, and is heavily relied on as a predictor of system behavior. For example, the price of anarchy has been shown to be 4/3 in congestion games with linear delay functions, namely decentralized and individually optimal decision making leads to at most 33% performance loss compared to a centrally coordinated solution. In [15], we asked how the price of anarchy would change depending on the model of risk considered. For six different models of risk, we showed that the price of anarchy can vary dramatically from a small constant (4/3) to infinity, the latter occurring under a mean-var objective (similar to the mean-stdev objective discussed above, with variance replacing the standard-deviation of the path delay) and also under an objective that we call "win-or-go-home", inspired by competitive optimization settings under uncertainty where the optimizers do not care about their actual performance but about outperforming their opponents. The main message of this paper is that uncertainty and risk critically affect the prediction of system performance and thus need to be carefully modeled and integrated into the system analysis to obtain informative results. As we conclude in the paper, we prompt "algorithmic game theory research to move beyond merely addressing the computational tractability of old game theoretic concepts but also help lay the foundational work for a more scalable, robust and realistic theory of socioeconomic systems."

Efficiency loss due to risk The price of anarchy concept described above was defined in an effort to understand efficiency loss due to decentralized and individually-optimal user behavior. Incorporating risk may lead to further efficiency loss, which our work above [15] did not explicitly detangle. In an effort to separately measure how much efficiency loss is due to the risk-averse behavior of users alone, in [9] we define a new notion of *price of risk aversion* as the worst-case ratio of the equilibrium cost of risk-averse users to the equilibrium cost of risk-neutral users, where the cost of equilibrium is the expected total delay of users in the system (motivated by the perspective of a central planner who cares about long-term averages). We analyze this ratio for users who minimize a mean-var objective, namely mean plus a parameter r times the variance of a path delay, where r captures the degree of risk-aversion. Risk-averse users have r > 0 while risk-neutral users have r = 0, namely they only care to minimize their expected delay.

In addition to this new concept for analyzing efficiency loss due to risk, our technical contribution is a tight bound on the price of risk-aversion in terms of the network topology. We show that in the worst case, it grows linearly in the size of the graph, namely risk-averse users may end up incurring significantly higher delays compared to risk-neutral users on average (multiplied by a factor of the graph size). We show a matching lower bound through an iterative embedding of Braess graphs and a careful choice of mean and variance latency functions. The main insight in the proof of the upper bound is identifying what we call an alternating path—a path of forward and backward edges, such that the equilibrium for risk-neutral users carries more flow on the forward edges and less flow on the backward edges compared to the equilibrium for the risk-averse users. We then bound the equilibrium cost with respect to the cost of the alternating path, to get the final result. We give a different interpretation of this work, and its meaning and impact on transportation, in the next section.

### 3. Applications in Transportation

**Strategic toll operators.** The phenomenon of congestion in a transportation network can be analyzed via the classic model of "congestion games" from game theory, which demonstrates travel times increase as the number of users on these links increases. This model also informs us how to *alleviate congestion*: by setting

appropriate tolls on each link or road segment, users who minimize their individual travel times plus tolls, will end up minimizing the global objective of total travel time of all users—ending up in what is called a "socially optimal" traffic assignment. Such so called "optimal tolls" can be implemented by a central planner who cares to optimize the global system performance. However, in reality (as is the case of the highway network in Santiago de Chile) tolls may be set by private toll operators who care to maximize their own profit. In this case, what would be the resulting traffic assignment and level of congestion?

In [6], we consider this game theory model where strategic toll operators set tolls on the links they own (we assume that each toll operator owns exactly one link) and users then choose their routes to minimize travel time plus tolls. An equilibrium for the toll operators is a set of tolls such that no toll operator can gain from unilaterally changing their toll. Although more realistic than the congestion game model, this network pricing model had received little attention due to its complexity—in general, equilibria may not exist; might not be unique and might be arbitrarily inefficient. It had been studied only in the very special cases of parallel link networks and also networks with special travel time functions equal to zero up to the link capacity, and infinity afterwards. Ours is the first work to study the model in full generality, for both general networks and general link travel time functions, and to give an insight on how to eliminate the poor equilibrium properties and reach a "good equilibrium" instead. We do this by setting "toll caps," namely upper bounds on how much toll operators can charge for their links. With appropriate toll caps, we show that the equilibrium for the toll operators induces the socially optimal traffic assignment.

Impact. Toll caps are currently used for the Santiago de Chile highways and our work can be seen as informing what caps should be used in any setting of private toll operators so as to minimize congestion, namely induce the socially optimal traffic assignment all the while toll operators are setting their profit-maximizing tolls. On the contrary, if arbitrary tolls are allowed, the resulting traffic assignment might have a significantly higher cost (namely, be associated with significantly higher travel times for users) compared to the traffic assignment without tolls. This follows from my work [9] described in the previous section in the context of efficiency loss due to risk, which can in fact be equivalently interpreted as efficiency loss due to tolls, with the toll term replacing the variance term in our model. Indeed, following up on my work, Kleer and Schaefer recognize that it can be interpreted in these more general terms (not just efficiency loss due to risk aversion but also tolls, etc.), renaming our concept of "Price of Risk Aversion" to "Deviation Ratio" and generalizing our results to multi-commodity networks [8]. Additional work by my group on tolls and improving the cost of traffic equilibria with my PhD students Soumya Basu, Yitao Chen, Gery Yang and postdoc Thanasis Lianeas includes [2, 3].

Heterogeneous users. In our models above, users tradeoff between two criteria, such as travel time and cost (tolls paid), or mean and variance, and all users are assumed to have the same tradeoff preference. In reality, they might place different weights on the two criteria. This diversity of user preferences can be intuitively seen as helping to alleviate congestion: different preferences lead to different route choices and consequently, less crowding of specific routes so that the resulting traffic assignment has lower cost. In a surprising result [5] we show that this intuition is not necessarily true. We give a sharp characterization for when diversity helps, which depends on the network topology: it always helps (in the sense that the traffic assignment resulting from heterogeneous user choices has lower cost than the traffic assignment from a corresponding averaged homogeneous user population) if and only if the network is series-parallel, in the setting when all users share the same source and destination. When multiple sources and destinations are present, diversity always helps when the network takes the form of a certain interweaving of series-parallel networks, which we call "block-matching." We see this work as a first step in understanding the effect of user diversity in large networked systems and specifically in the context of transportation and resulting congestion.

**Optimal routing for single users** All game theory models build on the ability for users to compute their individually optimal routes, as a best response to the decisions of other users. With my Ph.D. student Ger Yang, we investigate this problem of finding the optimal route for a single user, for a general (monotone or non-monotone) objective function depending on two or more criteria [16]. We give hardness results and

efficient (fully polynomial approximation) algorithms to find near-optimal solutions. When the user has a monotone objective function and can make adaptive routing decisions, namely change their route while traveling, Darrell Hoy and I show that the optimal policy might require exponential space to just write down, however we can efficiently compute and output a near optimal policy that results in a routing solution with an arbitrarily small additive error. Darrell was a PhD student at Northwestern University who I was mentoring at the time. Implementations of risk-averse route planning schemes with potential practical impact can be found in my papers [4, 10]. The former paper, joint with colleagues from IBM Research, implements a route-planner for multi-modal transport that provides robust plans in the presence of uncertainty and shows good performance on real historical traffic data from Dublin, Ireland. An unexpected connection of my earlier work on risk-averse routing algorithms [12, 11] to wireless networking has also found an application on wireless coverage prediction [1].

### 4. Future Research Directions: Power Systems

In addition to pursuing natural questions left open by my research above—such as a deeper exploration of dynamic decision making in game theoretic contexts, and different types of risk-averse models, in the next 5-10 years I plan to actively immerse myself in the area of power systems. I have already started work, supported by a recent NSF grant on the topic, on developing novel algorithms and incentive mechanisms for improving the efficiency of the distribution grid— the set of low-voltage line networks that distribute power from substations to end consumers. That part of the grid is about to undergo a major transformation due to increased electricity generation on the customer side, and its progress is hindered by challenges to the existing wire and transformer capacities, designed to handle electricity flow in one direction (towards the customer), as well as higher uncertainty in demand forecasts that may prove unsustainable and threaten the economic viability of utility companies. For this reason, the grid urges and holds great promise for the *impact of computational methods and economic incentives* on its design and operation. Specific research thrusts that we plan to address are:

- **Distribution network operation and upgrades.** An example question here is: How can we minimize losses and asset degradation in distribution grids? In graph theoretic terms, this corresponds to minimizing a non-convex high-dimensional objective over dynamically reconfigurable feasible spanning trees. Limited theory (in an algorithms context) is devoted to this problem. Published work, as well as the state of the art in practice, relies on heuristics with unknown performance guarantees. To tackle this problem, we plan to develop algorithms with provable guarantees using techniques from submodular optimization and non-convex network optimization. For a first step in this direction, see my recent paper with my PhD students Ali Khodabakhsh, Ger Yang, Soumya Basu, my postdocs Thanasis Lianeas and Manolis Pountourakis and colleague Michael Caramanis [7].
- Incentives for efficient supply-demand balancing in the grid. While transmission grid congestion is managed by dynamic locational marginal prices (LMPs) discovered in today's wholesale markets, the practice of flat retail pricing does not provide similar efficient options in the distribution grid. A short-term practical solution is for utility companies to offer incentives (e.g., coupons) to consumers for scaling back demand in peak times—known as demand response. An example question in this context is: What is a pricing (coupon) structure that elicits appropriate demand response? To address this problem, we will pursue the largely open research area of mechanism design with risk-loving agents. Our initial steps in analyzing optimal mechanism design, for a special case of risk-loving preferences given by an exponential utility, are in a working paper with my PhD student Ger Yang and my postdoc Manolis Pountourakis [14].
- Utilizing electric vehicles (EVs) as dynamic storage to rebalance the grid. The growing penetration of EVs might place additional burden on already congested residential power lines, when EVs are charged in the owners' homes. At the same time, it provides a wonderful opportunity of using EVs as storage to rebalance the grid, shifting load from congested to uncongested lines, thus reducing the need for expensive line updates. We will explore both novel algorithmic and mechanism design approaches to incentivize efficient use of EVs that helps rather than hurts the power grid.

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**Table 1. Research Summary** 

Metric	Value
Peer-reviewed journal publications (in rank and total)	3/4
Peer-reviewed conference proceedings (in rank and total)	18 / 30
Number of journal papers in rank with supervised student(s) and/or post-docs from UT as co-author(s)	1
Number of journal papers in rank with supervised student(s) from UT as co-author*	0
Total citations of all publications (career) from ISI Web of Knowledge	79
Largest number of citations for a single paper based on work at UT (ISI Web of Knowledge)	5
h-index (career) from ISI Web of Knowledge	4
Total citations of all publications (career) from Google Scholar	923
Largest number of citations for a single paper based on work at UT (Google Scholar)	36
h-index (career) from Google Scholar	17
Total external research funding raised in rank	\$2,659,123

Table 2. Current External Grants and Contracts Awarded

Role of Candidate and Co-Investigators	Title	Agency	Project Total	Candidate's Share	Grant Period
Co-PI Le Xie (PI), Texas A&M Pravin Varaiya (Co-PI), UC Berkeley	Collaborative Research: CyberSEES: Coupon Incentive- based Risk Aware Demand Response in Smart Grid	NSF: Division of Computing and Communication Foundations	\$1,000,000	\$311,000	10/1/13- 9/30/18
PI	CAREER: Algorithms for Risk Mitigation in Networks	NSF: Division of Computing and Communication Foundations	\$448,123	\$448,123	5/15/14- 4/30/19
PI Michael C. Caramanis (Co-PI), Boston University	AitF: Collaborative Research: Algorithms and Mechanisms for the Distribution Grid	NSF: Division of Computing and Communication Foundations	\$800,000	\$479,985	10/1/17- 9/30/21

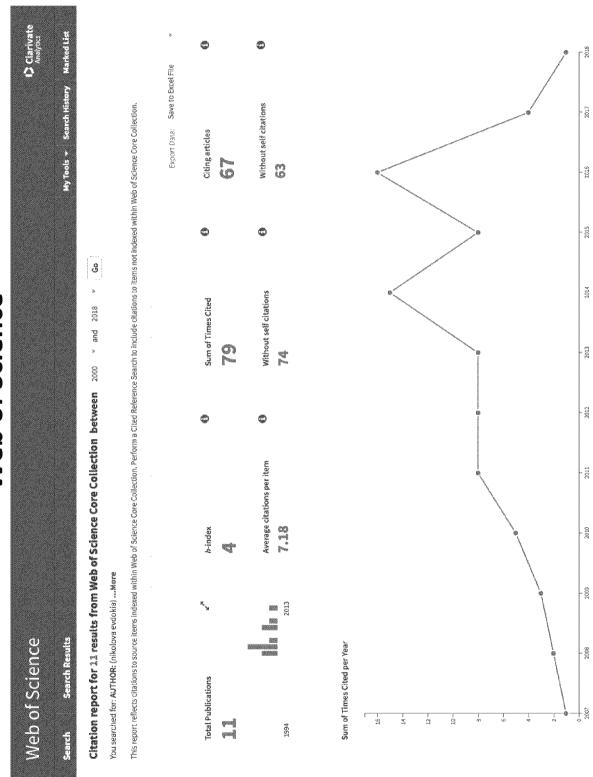
Table 3. External Grants and Contracts Awarded in Rank and Completed

Role of Candidate and Co-Investigators	Title	Agency	Project Total	Candidate's Share	Grant Period
PI	ICES: Small: Risk Aversion in Algorithmic Game Theory and Mechanism Design	NSF: Division of Computing and Communication Foundations	\$370,000	\$370,000	8/1/12- 8/31/17
PI	Maps Directions under Deadlines	Google Faculty Research Award	\$41,000	\$41,000	2013

**Table 4. Pending External Grants and Contracts** 

Role of Candidate and Co-Investigators	Title	Agency	Project Total	Candidate's Share	Grant Period
Co-PI	DNS4CES: Data- and	Department of	\$10,000,000	\$400,000	10/1/18-
				\$400,000	
Eilyan Bitar (Cornell), Ari Juels (Cornell), Vassilis Kekatos (Virginia Tech), Walid Saad (Virginia Tech), Nikolas D. Sidiropoulos (University of Virginia), Zongli Lin (University of Virginia), Emiliano Dall'Anese (University of Colorado Boulder), Lucy Pao (University of Colorado Boulder)					

# Web of Science



# **Google Scholar**

# https://scholar.google.com/citations?user=YMmzWH7gT-oC&hl=en

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Evdokia Nikolova	University of Texas at Austin Verified email at utexas edu - Homenane	Algorithms Game Theory			TILE	Stochastic shortest paths via quasi-convex maximization E Nikolova, JA Kelner, M Brand, M Mitzenmacher	European Symposium on Algorithms, 552-553	Optimal Route Planning under Uncertainty. E Nikolova, M Brand, DR Karger ICAPS 5, 131-141	Route Planning under Uncertainty: The Canadian Traveller Problem. E Nikolova, DR Karger AAAI, 969-974	Approximation algorithms for reliable stochastic combinatorial optimization	Approximation, Randomization, and Combinatorial Optimization. Algorithms and	Approximation algorithms for reliable stochastic combinatorial optimization	E Nikotova Approximation, Randomization, and Combinatorial Optimization, Algorithms and	First-price path auctions N immorlica, D Karger, E Nikolova, R Sami	Proceedings of the 5th ACM conference on Electronic commerce, 203-212  A truthful mechanism for offline ad slot scheduling	J Feidman, S Muthukrishnan, E Nikolova, M Pái International Symposium on Algorithmic Game Theory, 182-193

## Budget Council Assessment on Academic Advising, Counseling, and other Student Services for Faculty Promotion Candidate Dr. Evdokia Nikolova

Prepared by Budget Council member Joydeep Ghosh

#### Introduction

In preparing this assessment, we have used source material from the candidate's resume and statement on advising. Based on the review of this data we conclude that Dr. Evdokia Nikolova's solid advising record as an Assistant Professor meets the ECE departmental norm and expectations of quantity and quality. Below we provide highlights of both her undergraduate and graduate student advising records.

#### **Undergraduate Student Advising and Mentoring**

This review focuses on Dr. Nikolova's contributions to several aspects of undergraduate advising: the advising of students in terms of their career choices and course selection, the supervision of undergraduate research projects, and the supervision of undergraduate senior design projects.

Every ECE faculty member is expected to supervise a team of students working on their senior-design project. In rank, Evdokia has supervised three teams that included 18 undergraduate students. This is consistent with the expected load. One of the teams worked on a smartphone app based on the stable marriage problem—a mix of theory and implementation - and won 3rd place in the Senior Design Competition. She also interacted with and advised undergraduate students at Texas A&M before she joined UT. Moreover, she participated for 3 consecutive years (2014, 2015, 2016) in Camp Texas, speaking to incoming UT freshmen about succeeding in college, choosing future careers, and research. Dr. Nikolova is also very active in mentoring the ECE undergraduate women's organization. Another notable service is the co-teaching of the Edison Lecture Series to over 1000 middle-school and high-school students on Feb. 11-12, 2016, Austin, TX.

#### **Advising of Graduate Students**

Joydeep Shook

Dr. Nikolova is currently supervising 6 PhD students (two are co-advised), which is a commendable load for algorithmic research. All her graduate students are financially supported by research assistantships, teaching assistantships, or fellowships. Her first PhD student successfully defended in May 2018. She has also supervised one Post-doc, who is now a lecturer at the National Technical University of Athens, and is currently supervising another Post-doc, who has been awarded the very competitive Simons Fellowship for Spring 2018, and is being prepared for a career in academia.

Joydeep Ghosh

#### Statement of Academic Advising Evdokia Nikolova

ECE Department, UT Austin nikolova@austin.utexas.edu

#### 1. Undergraduate Advising

At UT Austin, I have supervised three senior design teams with a total of 18 ECE undergraduate students:

- Fall 2015 Spring 2016: (6 students) Nick Burrin, Whitney Glick, Kevin Sy, Alaap Patel, Ryan Templin, Kevin Tsai. Honors Project Title "DanceWithMe." This team won 3<sup>rd</sup> place in the Senior Design Competition in Spring 2016.
- Fall 2016 Spring 2017: (5 students) John Starich, Josué Alfaro, Jeremy Castillo, César Gonzalez, Jacob Ingalls. Project Title "Accelerating Containers over RDMA," industry project sponsored by the company Mellanox with industry contact/co-advisor Yevgeny Petrilin.
- Fall 2017 Spring 2018: (7 students) Pranav Harathi, Shashank Kambhapati, Eric Wang, Joshua Richardson, Jonah Harris, Kevin Wu, Rohan Kondetim Manahalli. Honors Project Title: "Electric Vehicle Charger Placement"

I held weekly or biweekly meetings with the students in each team, guiding them through their projects and keeping them on track. The first team designed a smart phone app based on an extension of an algorithm design problem called "Stable Marriage" that is covered in EE 360C. The project was a mix of theoretical algorithms research and implementation, and the resulting app facilitated matching partners in a dance hall, saving the embarrassment from directly asking a partner to dance and potentially facing a rejection. It was very well received and won 3<sup>rd</sup> place in the Senior Design Competition that year. The second team worked on an industry-specified project and I mostly guided the students at a high-level, making sure they are on track with their goals. The third team worked on a problem that I plan to evolve into a research project on Optimal Placement of Electric Vehicle Charging stations to help reduce powerline congestion and balance the power grid. Again, it was a mix of theory and implementation: the students studied an advanced algorithm on "Facility Location" normally taught to graduate students, then implemented it and ran simulations showing that after shifting charging of EV vehicles from specific residential neighborhoods to designated charging stations nearby, congestion in the power lines was alleviated on average and, in some cases, eliminated.

At Texas A&M, I taught an honors undergraduate class on algorithms to about 10-11 students in Spring 2013, which allowed me to more directly interact with all the students and work with them on a research project (see my teaching statement for more detail on the novel research component I included in the class). Subsequently, I also advised one of these undergraduates for a semester on a transportation research project.

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Outside of formal advising, I participated for 3 consecutive years (2014, 2015, 2016) in Camp Texas, speaking to incoming UT freshmen about succeeding in college, choosing future careers, and research. In an effort to help with diversity and create a community for diverse students, I organized a belly-dancing class for ECE undergraduate students at UT, which was attended by about 30 undergraduates. This is something that I plan to evolve in the future into research-dance days at UT and/or summer programs, for both undergraduates and K12 students. I have also met on multiple occasions and spoken with the ECE undergraduate women's organization.

#### 2. Graduate and Post-Graduate Advising

I am currently supervising six PhD students (4 on my own and 2 co-advised) and one postdoc. My first PhD student, Ger Yang, already successfully defended his PhD thesis on May 8, 2018 and is planning to graduate in August 2018. Ger is currently interviewing for industry positions with software companies such as Google, Dell, etc.

I spend a significant amount of time with each student and postdoc in my group, and I closely monitor their progress and research results. I typically hold regular weekly meetings with each group member and spend significant additional time when deadlines approach. In addition, during the semester I hold 1.5 hour weekly group meetings where members of my research group take turns presenting either their work or teach us classic or recent research results by others that pertains to the interests of my group. I use these meetings not only to enhance learning, but also foster team spirit, rapport, and appreciation among each group member and promote comradery within the group. I also encourage my students to interact and collaborate with each other and with other students and faculty at the department.

All my graduate students are financially supported by research assistantships, teaching assistantships, or fellowships.

#### **PhD Supervisions Ongoing:**

- Ger Yang (joined UT in Fall 2014) successfully defended his PhD thesis on May 8, 2018 and planning to graduate in August 2018.
- Soumya Basu (joined UT in Fall 2014; co-advised with Sanjay Shakkottai)
- Ali Khodabakhsh (joined UT in Fall 2015)
- Orestis Papadigenopoulos (joined UT in Fall 2016)
- Isidoros Giotis (joined UT in Fall 2017)
- Nithin Ramesan (joined UT in Fall 2017; co-advised with François Baccelli)
- Eftychia Vakaliou (will be joining UT in Fall 2018)

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#### **Postdoctoral Advising**

- <u>Thanasis Lianeas</u> (April 2015 December 2017). Thanasis joined my group at UT after receiving his PhD from the National Technical University of Athens (NTUA), Greece. He is now back at NTUA as a lecturer.
- Emmanouil (Manolis) Pountourakis (April 2017 present). Manolis joined my group at UT after receiving his PhD from Northwestern University. He won a prestigious and very competitive Simons Fellowship for Spring 2018. He is preparing to pursue an academic career in the next academic year.

# Candidate's Statement on Advising, Counseling and Other Student Services

Table 1. Summary of Academic Advising

Metric	Value
Student Organizations Advised	0
Undergraduates Supervised	19 (excluding my Honors undergraduate class at TAMU)
PhD Students Completed	0 (1 expected by Aug. 2018)
MS Students Completed	0
PhD Students in Pipeline (as of 08/2018)	4/2
MS Students in Pipeline (as of 08/2018)	0

Table 2. List of Completed Graduate Students under My Supervision

None

# Budget Council Assessment on Service to the University and to the Nation, State and Community for the Promotion Candidate Evdokia Nikolova

This statement on service to the university, the nation, state and the community of Professor Evdokia Nikolova was prepared by the Budget Council Member Professor Vijay K. Garg. It makes an assessment of services performed by Prof. Nikolova in rank as an Assistant Professor.

#### Service to the University

Prof. Nikolova has made immense contributions to the Department and the University serving in various roles.

In the department, she has served as a member of the junior faculty hiring committee multiple times. This committee screens all the candidates, makes a presentation to the department for approval to interview them, hosts the candidates for interviews, collects the feedback from various faculty members and then makes recommendations to the department. Having served on this committee numerous times, I can attest to the time commitment the membership on this committee entails. Prof. Nikolova has represented the DICE area on this committee. The DICE area has interviewed excellent candidates during the time when Prof. Nikolova was representing DICE.

In addition to serving on the ECE faculty hiring committee, Prof. Nikolova has served as an external member of the ORIE junior faculty hiring committee. Typically, a department invites only the most well-known and renowned faculty members from other departments to serve on their faculty hiring committee. Prof. Nikolova has contributed to the mission of the University by serving on this committee.

Prof. Nikolova has continuously served as a member of the Admissions Committee for the DICE area since 2014. The admissions committee requires an inordinate amount of work because of a large volume of applications to the DICE area. All aspects of the student application must be considered, with students from many countries and universities of varying quality and different grading systems. Prof. Nikolova has made significant contributions to the department by serving on this committee.

Prof. Nikolova has taken a leadership role in organizing workshops. Of particular note is the 2014 Winedale workshop for which she served as the program chair. The invitation to be the program chair is given to only the most well-regarded researchers in the area. The program chair's duties require significant commitment but bring recognition to the PC chair and the associated University. The Winedale workshop was a great success with more than 200 attendees from Texas region.

#### External Service

Prof. Nikolova has been extraordinarily engaged in professional service to the international academic community via organization of many prestigious workshops. She has organized or

co-organized workshops at Simons Institute, and ACM Conference on Electronic Commerce. Simons Institute for the Theory of Computing at Berkeley is one of the most prestigious institutes for Theoretical Computer Science and some of the most famous scientists and mathematicians regularly visit the institute. It is quite remarkable that Prof. Nikolova was invited to organize a workshop there at her stage of career. The ACM Conference on Electronic Commerce is a premier conference on issues related to algorithmic game theory, economics and computation.

Prof. Nikolova has also been a great mentor for the next generation of scientists. She gave lectures at Samos Summer School on Algorithmic Game Theory. She has also been involved in community service. Specifically, she has participated in the immensely popular Edison Lecture Series at UT Austin.

Prof. Nikolova has also served in various US National Science Foundation (NSF) review panels and served as a member of the panel to review projects for FONDECYT, which is NSF equivalent for Chile.

In summary, Prof. Nikolova has performed service to the University and the professional community that is significantly above the level of an assistant professor.

Summary prepared by the Budget Council Member Professor Vijay K. Garg.

Vijery Kumar Garg

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#### Service to the University and to the Nation, State and Community

Evdokia Nikolova ECE Department, UT Austin nikolova@austin.utexas.edu

I have been involved in a number of service activities at UT Austin and Texas A&M University and also at the national and international level.

#### 1. Service to the University of Texas at Austin

Service to the University has been a central aspect of my academic role in achieving and strengthening the University's mission. My service activities are enumerated below:

#### UNIVERSITY COMMITTEE ASSIGNMENTS:

Departmental-	ECE Junior Faculty Hiring Committee	2016-2017
-	ECE Junior Faculty Hiring Committee	2015-2016
	ORIE Junior Faculty Hiring Committee	2015-2016
	DICE PhD Admissions Committee	2014-present

Additionally, I was a co-organizer of the Wireless Networking and Communications Group (WNCG) seminar series (together with Prof. Alex Dimakis) in 2014-2015.

I also served as the program chair of the 2014 Winedale workshop, which focused on algorithmic game theory. Winedale is a one-day event co-organized by UT Austin, Rice University and Texas A&M. The mission of the event is to facilitate interaction between Texas researchers in the area of signals, systems and communications. The main task of the program chair is to select and invite two distinguished speakers for the event. I invited Robert Kleinberg (Cornell University, Sloan Fellow, Microsoft Research New Faculty Fellow) and Tim Roughgarden (Stanford, PECASE Winner, Mathematical Programming Society's Tucker Prize, and the EATCS-SIGACT Gödel Prize). The event had more than 200 attendees from UT Austin, Rice University and Texas A&M.

#### 2. Service to the Nation, State and Community

I have served on 13 technical program committees (listed below), for conferences in algorithmic game theory, theoretical computer science and artificial intelligence.

Member of technical program committees:

- 1. European Symposium of Algorithms (ESA) 2017.
- 2. ACM Conference on Economics and Computation (EC) 2018, 2017, 2014, 2013, 2012, 2010.
- 3. Conference on Artificial Intelligence (AAAI) 2017, 2016, 2013.
- 4. International World Wide Web Conference (WWW) 2017, 2012.
- 5. Conference on Web and Internet Economics (WINE) 2015.

Furthermore, I have been very active in organizing interdisciplinary workshops (listed below), bridging researchers in computer science, economics, operations research and electrical

engineering. The highlight of my organizational activities was as co-organizer for the Spring 2018 semester-long research program "Real-time Decision Making" at the Simons Institute in Berkeley, CA, along with Richard Karp (UC Berkeley, Turing award), Balaji Prabhakar (Stanford, Sloan Fellow, IEEE Fellow, ACM Fellow), Steven Low (Caltech, IEEE Fellow) and Josh Bloom (UC Berkeley Astronomy, Sloan Fellow). The program included 49 invited researchers from leading universities and across theoretical and applied disciplines. It also had 8 Simons Research Fellows (junior researchers mainly at the postdoc level, who were selected competitively from a large pool of applicants) and visiting graduate students and postdocs. The purpose of the program was to develop and apply algorithmic methods for the control of systems characterized by the need to make real-time decisions based on data arriving in high volume. To this end, the program created collaborations between two groups of experts: researchers in domains of physical science, engineering and societal systems involving real-time discovery and inference, and mathematical and computational scientists with the tools required to attack the decision-theoretic problems arising in these domains. The program focused in particular on astronomical observation, earthquake early warning, transportation networks, online matching markets and smart energy grids. My duties as co-organizer was proposing program participants, selecting the Simons Research Fellows, organizing and giving an introductory lecture on algorithms at the Bootcamp. In addition, I was lead organizer for the third week-long workshop of the program, "Mathematical and Computational Challenges in Real-Time Decision Making", Apr. 30—May 4, 2018. For that, I had to co-select and invite around 30 speakers, create the workshop schedule, chair multiple sessions, write a workshop report, and overall ensure the smooth running of the workshop.

Program or Workshop Co-organizer:

- 6. Simons semester on "Real-time Decision Making", Spring 2018, Simons Institute for the Theory of Computing, Berkeley CA.
- 7. Workshop on "Mathematical and Computational Challenges in Real-Time Decision Making", Apr. 30—May 4, 2018, Simons Institute for the Theory of Computing, Berkeley CA.
- 8. Workshop on "Real-Time Decision Making", Jun. 27—Jul. 1, 2016, Simons Institute for the Theory of Computing, Berkeley CA.
- 9. Winedale workshop on "Algorithmic Game Theory", Winedale, TX, Oct. 17, 2014.
- 10. "Workshop on Risk Aversion in Algorithmic Game Theory and Mechanism Design" in conjunction with the ACM Conference on Electronic Commerce (EC), Valencia, Spain, June 7, 2012.

In addition to the program and workshop organization above, I participated and gave lectures at the Samos Summer School on Algorithmic Game Theory in Samos, Greece in July 2012. The school included in its audience undergraduates and high-school students from several Balkan countries, as well as graduate students from these countries and the United States. I have also been an invited session chair organizer for several major conferences (International Symposium on Mathematical Programming (ISMP)— July 2015, August 2012, August 2009 and INFORMS Buenos Aires, Argentina, June 2010).

I have been on the review panels for 3 NSF programs, and was part of the reviewing committee of an NSF Science and Technology Center Competition, performing a 2-day onside review of a participating team from Caltech. I have also served as an international funding agency reviewer once, and have subsequently received multiple invitations to review international proposals from different countries, which I did not have time to accommodate.

U.S. Federal funding agency review panels:

- NSF Panelist (April 2015, January 2014, April 2012).
- NSF STC (Science and Technology Centers) Competition, October 2012 International funding agency reviewer:
  - FONDECYT (NSF equivalent in Chile), November 2011.

I regularly provide peer reviews for the leading journals and conferences in my area, listed below:

**Journals:** SIAM Journal of Computing, Theoretical Computer Science, Algorithmica, ACM Transactions on Economics and Computation (TEAC), Journal of Autonomous Agents and Multi-Agent Systems (JAAMAS), Operations Research, Operations Research Letters, Mathematical Programming, Mathematics of Operations Research, Transportation Science, IEEE Transactions on Automatic Control.

Conferences: ACM Symposium on Theory of Computing (STOC), ACM-SIAM Symposium on Discrete Algorithms (SODA), ACM Conference on Economics and Computation (EC), Conference on Web and Internet Economics (WINE), International Symposium on Algorithmic Game Theory (SAGT), International Colloquium on Automata, Languages and Programming (ICALP), International Symposium on Theoretical Aspects of Computer Science (STACS), ACM Symposium on Parallel Algorithms and Architectures (SPAA), Conference on Decision and Control (CDC), MIT Oxygen Student Conference.

Regarding **community service**, I co-taught the Edison Lecture Series at UT Austin to over 1000 middle-school and high-school students on Feb. 11-12, 2016, Austin, TX (with Prof. Alex Dimakis and Prof. Deji Akinwande). I have also been a speaker at Camp Texas (for incoming UT freshmen) for three consecutive years 2014-2016.

## Budget Council Assessment of Honors and Other Evidence of Merit or Recognition, Including Contracts and Grants for Promotion Candidate Evdokia Nikolova

Prepared by Lizy K. John, Budget Council Member

This assessment is based on Dr. Nikolova's promotion statements and her resume. It represents my evaluation/interpretation of the various honors, and honorific grants that she has received. The assessment concludes with a summary statement placing these details in perspective. Some information about these awards has been obtained from the official websites of several organizations/UT and reproduced in the write up below in italics.

#### I. Honors and Awards:

Dr. Nikolova has received several competitive awards. The various awards won by Evdokia are:

#### (i) NSF CAREER 2014

Dr. Nikolova won the NSF CAREER award in 2014. According to the National Science Foundation website, The Faculty Early Career Development (CAREER) Program is a Foundation-wide activity that offers the National Science Foundation's most prestigious awards in support of early-career faculty who have the potential to serve as academic role models in research and education and to lead advances in the mission of their department or organization.

#### (ii) Google faculty award 2013

Dr. Nikolova won the Google faculty award in 2013. These awards are decided based on an international competition. According to Google's website, these awards are structured to provide unrestricted gifts as support for research at institutions around the world. The program is focused on funding world-class technical research in Computer Science, Engineering, and related fields. The award is highly competitive - only 15% of applicants receive funding - and each proposal goes through a rigorous Google-wide review process.

#### (iii) Best Paper awards

A paper coauthored by Dr. Nikolova and her student won the best student paper award at the IEEE International Conference on Acoustics, Speech and Signal Processing (ICASSP) 2018. ICASSP is a very competitive conference in the field of Acoustics and Signal Processing. Best student paper award at this event is a very coveted honor.

Additionally, another paper from Dr. Nikolova's group was one of the two finalists for the best paper award at the Hawaii International Conference on Systems Sciences 2018. Evdokia's paper eventually finished as the runner up.

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(iv) Supervisor of the award winning senior design (3<sup>rd</sup> place)

The ECE department has approximately 50 senior designs each year. Supervising the 3<sup>rd</sup> place winning team is an honor.

(v) Keynotes:

Dr. Nikolova has given 3 keynote speeches. She has also given seminars at various US and international Universities. These are tremendous achievements considering the early stage in her career.

(vi) Proposal Review Panelist Invitation

Evdokia is highly regarded by her peer research community as evidenced by multiple invitations to NSF panels and invitations to panels in Chile, the Netherlands, and Israel.

#### II. External Research Funding:

Dr. Evdokia Nikolova has received competitive funding from the National Science Foundation and Google totaling approximately \$2.6 million. Four NSF awards and one Google awards are listed in the candidate's documents. With the candidate's share of more than \$1.6 million, Nikolova's fund-raising in competitive external grants meets the standards for promotion and tenure.

#### III. Summary Statement

Dr. Evdokia Nikolova has received several awards including the NSF CAREER award and the Google faculty award. These along with the IEEE ICASSP best paper award place her in a good position within her peer group, as does her external research funding totaling \$2.6 million (\$1.6 million as her share) which is a very healthy figure.

Based on the above evidence, Dr. Evdokia Nikolova clearly meets the standards for promotion to Associate Professor with tenure in the category of honors and recognition.

Prepared by Electrical and Computer Engineering Budget Council Member

Lizy Kurian John 30 July 2018

2

#### Honors and other Evidence of Merit or Recognition, Including Contracts & Grants

Evdokia Nikolova ECE Department, UT Austin nikolova@austin.utexas.edu

#### 1. Awards

I received the **NSF CAREER** Award in 2014 for my proposal titled "<u>CAREER: Algorithms for Risk Mitigation in Networks</u>".

One of the **ECE undergraduate senior design** teams that I advised received 3<sup>rd</sup> place in the Annual Senior Design Competition for writing a smart phone app "DanceWithMe" for matching dance partners in a dance hall, based on an extension of an algorithm for the so-called stable marriage problem.

One of my research papers, coauthored with my student Ali Khodabakhsh, another PhD student Rasoul Shafipour and his advisor Gonzalo Mateos from the University of Rochester [C27], received the 2018 **Best Student Paper Award** at the IEEE International Conference on Acoustics, Speech and Signal Processing.

Another one of my research papers with my student Ali Khodabakhsh as lead author and four other members of my group, along with colleague Michael Caramanis from Boston University [C26], was **nominated for best paper** at the Hawaii International Conference on System Sciences in 2018. Since only two papers were nominated and one won the best paper award, ours was essentially considered the second best paper in that top venue in power systems.

#### 2. Research Funding

My research has been supported by a combination of funds from federal agencies and industry gifts. Four of my grants are from the NSF – I am the sole PI on two of them, and the lead PI on another one (a four-year award). One of these grants is the NSF CAREER, which I was awarded in 2014 for my research on "Algorithms for Risk Mitigation in Networks." This is a five-year award. In 2013, I was awarded a Google Faculty Research Award for research on "Maps Directions under Deadlines." The Google Faculty Research Awards are one-year awards structured as unrestricted gifts to universities to support the work of world-class full-time faculty members at top universities around the world and are funded based on competition. These awards were given for different aspects of my research program and notably on very different research topics ranging from algorithms (NSF CAREER) and computational economics (awarded by the interdisciplinary program NSF Interface between Computer Science and Economics & Social Sciences, abbreviated ICES) to power systems (awarded by the interdisciplinary program NSF Algorithms in the Field).

In addition to these grants, I was awarded industrial affiliate support as a core member of the Wireless Networking and Communications Group (WNCG). More details on these grants can be found in my CV.

#### 3. Invited, Keynote, and Plenary Conference Talks

In rank at UT, I have been invited to give three keynote talks, organize invited sessions at leading conferences in my area, and give seminars at universities and industrial research labs. My resume contains a detailed list of these activities and dates. The following are some examples:

I was a keynote speaker at the Ninth Workshop on Dynamic Games in Management Science, HEC Montreal in Montreal, Canada; the 12th Athens Colloquium on Algorithms and Complexity (ACAC'17) in Athens, Greece, and at a Workshop on Eco-friendly mobility at the ETH Zurich in Zurich, Switzerland. I gave a tutorial on Algorithms, Game Theory and Risk-averse Decision Making as part of the boot camp for the Simons Research Program 'Real-time Decision Making' that took place in Spring 2018 at the Simons Institute for the Theory of Computation in Berkeley, CA. The tutorial was streamed live, a recording is available on YouTube, and as of May 31, 2018 it has been viewed more than 700 times. The audience included senior and junior researchers, as well as graduate students, across multiple top universities and academic disciplines ranging from theoretical to applied (power systems, the natural sciences and transportation)

I have presented invited departmental colloquia and seminars at numerous universities and companies both nationally and internationally, including UC Berkeley, USC, Rice University, the University of Santiago de Chile in Santiago, Chile, the Technical University of Munich in Munich, Germany, the Technical University of Berlin in Berlin, Germany, ETH Zurich in Zurich, Switzerland, UNICAMP in Campinas, Brazil, the University of Buenos Aires in Buenos Aires, Argentina, Microsoft Research, IBM Research and Google, among others. A full list of my invited seminars is included in my CV. I have also been invited to give talks at top multidisciplinary venues such as the Information Theory and Applications (ITA) workshop in San Diego, and the Allerton Conference in UIUC.

#### 4. High-impact publications

While in rank, many of our research results have been accepted to the most selective journals and conferences in my field, including journal publications in Operations Research (2014), Mathematics of Operations Research (accepted 2017, forthcoming), ACM Transactions on Economics and Computation (2016), and conference publications in the ACM Conference on Economics and Computation (EC), the AAAI Conference on Artificial Intelligence (AAAI), International Joint Conference on Artificial Intelligence (IJCAI) and others. The full list of publications is available in my CV.

#### Other Honors

Program managers and funding agencies recognize the importance of my group's work, and I have been invited to several workshops, panels and review meetings both in the US and abroad. Specifically, I have served on three NSF panels and one NSF Science and Technology Center Competition as an on-site reviewer. Furthermore, I have been an external reviewer for funding proposals submitted to the Chilean science foundation and have been invited to serve on proposals submitted to Israeli and Dutch science foundations.

#### Evdokia Nikolova LETTERS REQUESTED/RECEIVED

Name of reviewer,	Alper Atamturk, Professor,
rank or title,	Industrial Engineering and Operations Research
department,	University of California, Berkeley
university	
Brief statement of	Optimization under uncertainty, networks and risk
expertise and reason	
for selection	
COI	No
Other relevant	N/A
information	
Nominated by	Department
Date letter received	August 16, 2018

Name of reviewer, rank or title, department, university	Vincent Conitzer, Kimberly J. Jenkins University Professor of New Technologies Professor of Computer Science, Professor of Economics, Professor of Philosophy Duke University
Brief statement of expertise and reason for selection	Game theory and artificial intelligence (multi-agent systems) PECASE, Guggenheim Fellow, Kavli Fellow, Bass Fellow, Sloan Fellow
COI	No
Other relevant information	N/A
Nominated by	Candidate
Date letter received	July 27, 2018

Name of reviewer, rank or title, department, university	Ashish Goel, Professor of Management Science and Engineering Professor of Computer Science (by courtesy) Stanford University
Brief statement of expertise and reason for selection	Design, analysis, and applications of algorithms Sloan Fellow, Terman Faculty Fellow (Stanford), Edelman Laureate (2014)
COI	No
Other relevant information	N/A
Nominated by	Candidate
Date letter received	August 19, 2018

Name of reviewer,	Patrick Jaillet,
rank or title,	Dugald C. Jackson Professor
department,	Department of Electrical Engineering and Computer Science
university	Massachusetts Institute of Technology
Brief statement of	Online optimization and learning; real-time, dynamic, and data-driven problems; and
expertise and reason	networks
for selection	INFORMS Fellow
COI	No
Other relevant	N/A
information	
Nominated by	Candidate
Date letter received	August 5, 2018

Name of reviewer,	Sampath Kannan,
rank or title,	Henry Salvatori Professor,
department,	Computer and Information Science Department
university	University of Pennsylvania
Brief statement of	Algorithms and applications
expertise and reason	ACM Fellow
for selection	
COI	No
Other relevant	N/A
information	
Nominated by	Candidate
Date letter received	August 5, 2018

Name of reviewer,	Andreas Schulz,
rank or title,	Alexander von Humboldt-Professor, formerly MIT Professor of Mathematics of
department,	Operations Research and Holder of the Patrick J. McGovern (1959) Chair
university	Department of Mathematics and School of Management,
	Technical University of Munich (formerly MIT Operations Research)
Brief statement of	Algorithms, Equilibria in traffic networks
expertise and reason	Humboldt Research Award for lifetime achievement in research (2010)
for selection	
COI	No
Other relevant	N/A
information	
Nominated by	Budget Council
Date letter received	August 20, 2018

Name of reviewer,	David Shmoys,
rank or title,	Laibe/Acheson Professor of Business Management & Leadership Studies, Department of
department,	Computer Science; Associate Director of Institute for Computational Sustainability
university	Cornell University
Brief statement of	Algorithms, optimization and applications to transportation
expertise and reason	ACM Fellow, INFORMS Fellow, SIAM Fellow
for selection	
Email	david.shmoys@cornell.edu
COI	No
Other relevant	N/A
information	
Nominated by	Department
Date letter received	August 18, 2018

Name of reviewer, rank or title, department, university	Pascal Van Hentenryck A. Russell Chandler III Chair and Professor, H. Milton Stewart School of Industrial and Systems Engineering Center for Machine Learning, Georgia Institute of Technology
Brief statement of expertise and reason for selection	Fellow of AAAI, INFORMS Expertise in Optimization under uncertainty, applications to transportation
Email	pvanhent@umich.edu
COI	No
Other relevant information	N/A
Nominated by	Department
Date letter received	August 19, 2018

Name of reviewer,	Mihailis Yannakakis,
rank or title,	Percy K. and Vida L. W. Hudson Professor of Computer Science,
department,	Columbia University
university	
Brief statement of	NAS, NAE member
expertise and reason	Expertise in Algorithms, Optimization
for selection	
Email	mihalis@cs.columbia.edu
Other relevant	N/A
information	
Nominated by	Department
Date letter received	August 10, 2018

#### No Response

Name of reviewer,	Balaji Prabhakar,
rank or title,	VMWare Founders Professor of Computer Science,
department,	EE and CS,
university	Stanford
Brief statement of	Network theory & algorithms, applications to societal networks and transportation
expertise and reason	Terman Fellow, Sloan Fellow, IEEE Fellow, ACM Fellow
for selection	
COI	No
Other relevant	N/A
information	
Nominated by	Budget Council
Date letter received	No response



#### DEPARTMENT OF ELECTRICAL AND COMPUTER ENGINEERING

Cockrell School of Engineering

Engineering Education & Research Center (EER), 2501 Speedway, Room 2.864, C0803 • Austin, Texas 78712

June 12, 2018

The Department of Electrical and Computer Engineering sincerely appreciates that you have agreed to serve as Formal Reviewer in the University of Texas at Austin's Tenure and Rank Advancement Promotion case of Dr. Evdokia Nikolova.

You are being asked to provide a candid assessment in the area of Scholarly Distinction to assist our decision-making process. Specifically, you will be submitting a Letter of Review assessing major engineering and/or scientific contributions.

#### Instructions:

- 1. Access candidate materials here: Nikolova Materials
- 2. Your Letter of Review should address the following:
  - a. Do you know the candidate, and if so, for how long and under what circumstances?
  - b. What are the original, innovative, and/or important contributions that the candidate has made in his/her field of research? Have the candidate's publications influenced the thinking of, or the methods used by, others in the field?
  - c. How would you assess the candidate's development compared with cohorts in research-intensive universities?
  - d. What is your perspective on the candidate's promise for further professional growth and leadership?
  - e. We would welcome any additional comments you might have. The more specific you can be in your comments, the more helpful your evaluation will be.

Please note: Under the laws of the State of Texas, the candidate has the right to view any materials in his/her personnel file, including your letter. Members of our faculty and internal review committees who see your letter as part of the promotion process will hold the comments you make in confidence.

Submit the following by end of day July 27, 2018, in order for your assessment to receive full consideration:

Your Letter of Review, on institutional letterhead, including the URL for your website containing your short Curriculum Vitae (or an attachment of your short-version CV), submitted via scan to: <a href="http://www.ece.utexas.edu/upload">http://www.ece.utexas.edu/upload</a>

Thank you for your assistance with this important matter. As faculty members, we realize that the amount of time required to do a thoughtful review is considerable.

Sincerely,

About Godf.

Dr. Ahmed Tewfik

Cockrell Family Regents Chair in Engineering

Chairman, Department of Electrical and Computer Engineering

#### EVDOKIA NIKOLOVA – MATERIALS SENT TO REFEREES

- 1) Curriculum Vita
- 2) Teaching Statement
- 3) Research Statement
- 4) Five Most Significant Publications

Five Most Significant Publications in Rank (Students and Post Docs I supervised appear in bold)

- 1. [J4] **Thanasis Lianeas**, Evdokia Nikolova, Nicolas E. Stier Moses. Risk-averse selfish routing. Forthcoming in Mathematics of Operations Research (Accepted September 2017).
- 2. [J2] Evdokia Nikolova, Nicolas E. Stier Moses. A Mean-Risk Model for the Traffic Assignment Problem with Stochastic Travel Times. Operations Research, 62:2, 366.382, 2014.
- 3. [J3] Georgios Piliouras, Evdokia Nikolova and Jeff S. Shamma. Risk Sensitivity of Price of Anarchy under Uncertainty. ACM Transactions on Economics and Computation (TEAC), Volume 5, Issue 1, November 2016, Article No. 5.
- 4. [C30] Jose Correa, Cristobal Guzman, **Thanasis Lianeas**, Evdokia Nikolova and Marc Schroeder. Network Pricing: How to Induce Optimal Flows Under Strategic Link Operators. In Proceedings of the Nineteenth ACM Conference on Economics and Computation (EC'18). Ithaca, NY, June 19-21, 2018.
- 5. [C22] **Ger Yang** and Evdokia Nikolova. Approximation Algorithms for Route Planning with Non-linear Objectives. In Proceedings of the Thirtieth AAAI Conference on Artificial Intelligence (AAAI'16). Phoenix, Arizona, February 12-17, 2016.

ВС

#### UNIVERSITY OF CALIFORNIA, BERKELEY

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August 16, 2018

Dr. Ahmed Tewfik
Cockrell Family Regents Chair in Engineering
Chairman, Department of Electrical and Computer Engineering
Cockrell School of Engineering
University of Texas, Austin

#### Re: Confidential letter of evaluation for Dr. Evdokia Nikolova

Dear Professor Tewfik:

I am happy to write a recommendation letter for Dr. Evdokia Nikolova, who is considered for promotion to the rank of Associate Professor with tenure at UT Austin.

I have known and followed Professor Nikolova's research since she was a postdoc fellow at MIT, where she also received her PhD degree. Over the years, we met in several conferences, when she visited UC Berkeley and when I visited UT Austin. I have not collaborated with her on a research project or proposal.

Dr. Pachamanova has 4 refereed journal papers, two of which appeared or accepted for publication in top journals in the field of Operations Research. They are *Operations Research* and *Mathematics of Operations Research*. Dr. Nikolova has 30 conference papers, which clearly shows that she is a quite active researcher.

Evdokia has been a leader in algorithmic research in risk averse discrete optimization problems, in particular risk averse routing and equilibrium in networks. These are challenging problems, not adequately addressed by the research community. She has strong, original theoretical contributions. She has raised many new questions and put forth conjectures that have raised the interest in the research community.

Appx.0333

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Dr. Nikolova has been quite successful in securing research funding. She has been either a PI or co-PI of five research grants, including a very competitive NSF Career Award. The variety of projects, including the applied ones in collaboration with different colleagues, indicates Dr. Nikolova's ability to engage in collaborative research. She is also valuable mentor to graduate students. She supervises/has supervised 7 PhD students and 2 postdoctoral fellows.

Professor Nikolova is a well-respected member of the academic community. I have relied on her expertise when she served as a referee for several manuscripts. She has co-organized a successful research workshop on real-time decision making at the Simons Institute at UC Berkeley.

I am confident that she will continue to make strong contributions in the future. She has recently started to work on problems in power grids. The application of her theoretical and algorithmic expertise in this domain seems to be a promising growth area for her.

I am pleased to recommend Dr. Evdokia Nikolova's promotion to Associate Professor rank with tenure at UT Austin.

Sincerely yours,

Alper Atamtürk

Professor

IEOR, UC Berkeley

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From: Alper ATAMTURK <a href="mailto:atamturk@berkeley.edu">atamturk@berkeley.edu</a>>

Sent: Thursday, August 16, 2018 2:18 PM To: Erengil, Jac < jac.erengil@utexas.edu>

Cc: Tewfik, Ahmed H < tewfik@austin.utexas.edu > Subject: Re: UT Faculty Promotion Letter Overdue

Dear Prof. Tawfik,

I am sorry for the delay. Attached, please find my letter for Dr. Evdokia Nikolova.

Best regards, Alper

#### Alper Atamturk, Professor

Industrial Engineering and Operations Research

University of California, Berkeley

Current research interests are in integer programming (conic, mixed, combinatorial), optimization under uncertainty with applications to power systems, portfolio/network design, logistics of production, distribution, transportation systems and treatment of cancer. He serves as a co-editor for Mathematical Programming A, area editor for Mathematical Programming C, and associate editor for Operations Research, Discrete Optimization, Journal of Risk, and Networks; and has in the past served on the editorial board of Management Science. Dr. Atamturk is a National Security Science & Engineering Faculty Fellow of the US Department of Defense.

#### Research

- Integer Optimization (Conic, Mixed, Combinatorial)
- Optimization under Uncertainty
- Power Systems
- Logistics of Production, Distribution, Transportation, Telecommunication Systems
- Portfolio/Network Design
- Treatments for Cancer

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#### Dear promotion committee:

It is my great pleasure to very strongly recommend the promotion of **Dr. Evdokia (Eddie) Nikolova** to the rank of Associate Professor with tenure in the Department of Electrical and Computer Engineering at the University of Texas at Austin. I apologize that I have to keep this letter somewhat short due to overwhelming other commitments, but this should not at all be considered to reflect badly on the candidate; I imagine this will be an easy case.

Simply put, Dr. Nikolova is one of the world's leading junior researchers working in the intersection of fields including operations research and theoretical computer science and ECE. She publishes in top conferences and journals, including some particularly high-profile venues recently.

I have known Dr. Nikolova for many years now from seeing her work and talking with her at scientific conferences. She and I also both participated in the UC Berkeley Simons Institute's program on Economics and Computation in the fall of 2015.

In my mind, Dr. Nikolova's most notable contributions and those that are most unique to her, in the sense that I'm not sure anyone else would have made them (but I am very glad that she did!), concern the introduction of uncertainty and risk aversion among users into certain theoretical models, especially routing games. She then proceeds to extend analyses that were done in less realistic (deterministic or risk-neutral) models to these extended models, which often requires a great deal of technical insight and produces surprising new results. This work has already had significant impact but I think it will have much more impact yet in the future.

Let me discuss a few of her papers in greater detail.

One of Dr. Nikolova's most notable contributions is her work on risk-averse selfish routing. There is a large body of literature on the selfish routing problem, where each agent chooses a path that minimizes her own latency, which may have the effect that the overall solution is actually worse from the perspective of global welfare of the agents. The standard models assume that latencies are deterministic or that agents care only about expected latency. Quick reflection reveals this to be unrealistic in many cases. For example, suppose I leave for work at 8:40am. I have a choice between a long quiet route that will take 18 minutes for sure, or a shorter busier route that takes 10 minutes 50% of the time and 25 minutes otherwise. Which will I prefer? The latter route has shorter expected latency (17.5 minutes), but I may well prefer the predictability of the former route, especially if I need to get to work by 9am. While it is easy to make the case for the importance of modeling such aspects, from a mathematical/technical perspective it creates all kinds of difficulties. Dr. Nikolova and her coauthors cut through these difficulties, analyzing in detail what they term the *price of risk aversion*, i.e., the worst-case loss to the system due to the combination of uncertainty and agent risk aversion. This

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CONFIDENTIAL UT Austin 0016398

work (with Lianeas and Stier-Moses) appears in *Mathematics of Operations Research*, one of the top OR journals. It builds on Dr. Nikolova's earlier paper (with Stier-Moses) in *Operations Research*, another top OR journal, in which she characterizes equilibrium traffic and shows when such equilibria exist in this context.

In the routing games described above, the cost of traversing an edge is exogenously determined. But in some cases, this cost is the result of a strategic agent imposing a toll on users traversing the edge. This is the setting that Dr. Nikolova (together with Correa, Guzman, Lianeas, and Schroder) studies in a 2018 ACM EC paper. (Incidentally, this EC conference is the top conference for interdisciplinary work between economic theory and computer science. As you may be aware, conference proceedings are the main method of publication in computer science, and top conferences such as EC have rigorous and extremely competitive refereeing.) Thus, these toll-imposing agents should also be considered players in the game. Dr. Nikolova and her co-authors give an impressive result: while in general these games may have no equilibria, multiple equilibria, or highly inefficient equilibria, if it is the case that an authority can set caps on the tolls that are charged, then all these problems go away.

As I noted at the beginning of this letter, Dr. Nikolova has a set of topics in which she is uniquely expert and that fit her interests and disciplines extremely well. If she wants to expand beyond them, great, but I don't see this as necessary. I would encourage her to seek more leadership roles in the community post-tenure. To be clear, I don't think that there's a problem here so far at all — she has been serving on program committees and funding agency panels, and her recent organizational roles at the Simons Institute are a great starting point for taking further leadership roles. And it can be risky for pre-tenure faculty to take on certain leadership roles. But tenure should allow her to take on even more visible roles. As for teaching, you know more about her teaching record than I do, but from what I can see there doesn't seem to be any reason to be concerned there. (I'm not surprised, given that I know her to be a clear lecturer.)

In summary, again, I very strongly recommend Dr. Nikolova's promotion to Associate Professor with tenure, and that you do your best to keep her in this competitive market. Thank you for your service and for reading my letter.

Sincerely,

Vincent Conitzer

Mincent Conider

Kimberly J. Jenkins University Professor of New Technologies

Professor of Computer Science (primary), Professor of Economics, and Professor of Philosophy

Duke University

About the letter writer: Vincent Conitzer is the Kimberly J. Jenkins University Professor of New Technologies and Professor of Computer Science, Professor of Economics, and Professor of Philosophy at Duke University. He received Ph.D. (2006) and M.S. (2003) degrees in Computer Science from Carnegie Mellon University, and an A.B. (2001) degree in Applied Mathematics from Harvard University. His research focuses on computational aspects of microeconomics, in particular game theory, mechanism design, voting/social choice, and auctions. This work uses techniques from, and includes applications to, artificial intelligence and multiagent systems. Conitzer has received the Social Choice and Welfare Prize (2014), a Presidential Early Career Award for Scientists and Engineers (PECASE), the IJCAI Computers and Thought Award, an NSF CAREER award, the inaugural Victor Lesser dissertation

<sup>&</sup>lt;sup>1</sup> This is helpful for some universities' procedures; please feel free to ignore it.

award, an honorable mention for the ACM dissertation award, and several awards for papers and service at the AAAI and AAMAS conferences. He has also been named a Guggenheim Fellow, a Kavli Fellow, a Bass Fellow, a Sloan Fellow, and one of AI's Ten to Watch. Conitzer and Preston McAfee were the founding Editors-in-Chief of the ACM Transactions on Economics and Computation (TEAC).

7/31/2018

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Ashish Goel

Professor.

Departments of Management Science & Engineering, and, by courtesy, Computer Science,

С

Stanford University.

HEC 359, Stanford CA 94305-4026

Cell: (650)814-1478. Email: ashishg@stanford.edu. Web: http://www.stanford.edu/~ashishg

August 19, 2018

To.

Dr. Ahmed Tewfik Cockrell Family Regents Chair in Engineering Chairman, Department of Electrical and Computer Engineering

Dear Professor Tewfik.

at conferences.

It is a pleasure to write a letter of reference for Dr. Evdokia Nikolova as you are considering her for promotion and tenure. I think highly of her, but am severely time constrained so while my opinion is very positive, this letter will be brief.

You specifically asked for my opinion on five related issues.

- 1. Do you know the candidate, and if so, for how long and under what circumstances?
  I have known Professor Nikolova for over a decade, and her work for a little longer. She visited Stanford when she was still a PhD student, and we had a long conversation about her work on Pareto-optimal shortest paths. We have since kept in professional contact, primarily
- 2. What are the original, innovative, and/or important contributions that the candidate has made in his/her field of research? Have the candidates publications influenced the thinking of, or the methods used by, others in the field?
  - Professor Nikolova describes these in detail in her research statement, and her description is both accurate and impressive. I would like to offer a broader perspective on her work. When she graduated, she was working on hard-core algorithmic problems. I was particularly delighted to see her work on multi-objective shortest paths. She had the ability and the training to keep pushing in that direction, and would no doubt have had success. But she chose a somewhat different path, which has been productive from a research view point, and also impactful. She started to use her algorithmic background to model and solve real world problems in transportation networks. She brought her own taste and flavor to this research, in that her primary focus has been not on issues of computational efficiency (though her work speaks to that as well) but issues of risk and incentive. Her work is rooted both in a deep understanding of graph algorithms and game theory on the one hand, and a careful modeling of real-life network interactions on the other. Her work on toll pricing is considered quite

influential in the EC community. And her new research direction regarding power grids is timely and well thought out.

Since our research areas have diverged somewhat, I still find her original thesis work on route planning under uncertainty and her work shortly thereafter on stochastic shortest paths to be the ones that had the largest influence on my own thinking. Her work introduced new techniques by going beyond the confines of polynomial time, and showing that the shortest path problem has interesting computational structure beyond this boundary.

3. How would you assess the candidates development compared with cohorts in research-intensive universities?

Professor Nikolova compares very well to the cohort of tenured Associate Professors in major research Universities. She provides academic leadership to her field, as evidenced by the high volume of her publications, and her service work is evident in the numerous committees she has served on.

4. What is your perspective on the candidates promise for further professional growth and leadership?

Professor Nikolova has a high potential for future professional growth and leadership. One sure sign of this is her mentor-ship of strong PhD students. I was very pleased to note that one of her students received a best student paper award for work co-authored with her at a competitive and prestigious conference.

5. We would welcome any additional comments you might have. The more specific you can be in your comments, the more helpful your evaluation will be.

This is a strong tenure case, and I very much hope this succeeds. Please don't hesitate to contact me for additional information.

Sincerely,

Ashish Goel.

Ashrih God

Brief Bio: Ashish Goel is a Professor of Management Science and Engineering and (by courtesy) Computer Science at Stanford University, and a member of Stanford's Institute for Computational and Mathematical Engineering. He received his PhD in Computer Science from Stanford in 1999, and was an Assistant Professor of Computer Science at the University of Southern California from 1999 to 2002. His research interests lie in the design, analysis, and applications of algorithms; current application areas of interest include social networks, participatory democracy, Internet commerce, and large scale data processing. Professor Goel is a recipient of an Alfred P. Sloan faculty fellowship (2004-06), a Terman faculty fellowship from Stanford, an NSF Career Award (2002-07), and a Rajeev Motwani mentorship award (2010). He was a co-author on the paper that won the best paper award at WWW 2009, an Edelman Laureate in 2014, and a co-winner of the SigEcom Test of Time Award in 2018.

From: Ashish Goel <a href="mailto:sahishg@stanford.edu">sent: Sunday, August 19, 2018 6:38 PM
To: Erengil, Jac <a href="mailto:jac.erengil@utexas.edu">jac.erengil@utexas.edu</a>>
Subject: Re: Nikolova Promotion Letter

Attached.

Many thanks for your patience, Ashish.

Massachusetts Institute of Technology

**Dr. Patrick Jaillet**Dugald C. Jackson Professor

Department of Electrical Engineering and Computer Science (EECS), LIDS, IDSS, and Operations Research Center (ORC) 77 Massachusetts Avenue Cambridge, MA 02139 C

Room 32-D624 Phone 617-452-3379 Email jaillet@mit.edu

August 5, 2018

Professor Ahmed Tewfik Cockrell Family Regents Chair in Engineering Chairman, Department of Electrical and Computer Engineering

Dear Professor Tewfik.

I have prepared an evaluation of Dr. Edvokia Nikolova's scholarly qualifications as requested in your letter of June 12, 2018. I understand that she is being considered for promotion to the rank of Associate Professor with Tenure.



<u>Background</u>: I have been aware of Professor Nikolova's work in some details for about 9 years now, since we first met upon her finishing her PhD with David Karger and then working as a post-doc with Hari Balakrishnan. We have met several times during this period to talk about research. We have however never collaborated on a common research project, nor written a joint publication. I believe that I am in a reasonable position to provide input on some aspects of her scholarly contributions.

Overall Comments: I consider Prof Nikolova's overall record to be a strong one. Her publication record is very good and contains solid papers with methodological depth. She has good taste and vision for interesting problems to tackle, as well as with the needed personal skills to collaborate with other top researchers. She also has a good track record with respect to research funding (grants) and seems to be a talented mentor. I won't say much about the teaching and service portfolios as these can usually be best evaluated internally. Let me simply mention that this aspect of the portfolio looks very favorable compare to all the cases I have been looking (at MIT and elsewhere).

Let me now expand a bit on the scholarly aspect.

I am quite familiar with some of her research contributions, notably (due to my own research group's interests) those related to network routing problems under uncertainty, and risk-averse decision making. For example, referring to the numbering provided in the references of her personal research statement, I have been quite aware of the publications [9], [10], [12], [13], [15] and [16], knowing the detailed content of these papers quite well. I consider these papers to be first-rate and typical of the work published by Prof. Nikolova: rigorous and mathematically sound, introducing novel ideas to some classical problems, with the aim to understanding fundamental properties. This is very high-quality work.

Motivated by this tenure evaluation request, I have read the other (more recent) paper submitted in her package (Correa et al., EC, 2018). Again, I found this publication to be of high quality, consistent with what I came to expect from Prof. Nikolova. Overall, I would say that the novelty, precision, and depth shown in her written documents to be impressive.

Let me briefly turn to comparisons with her peers. Restricting myself to the last few years, I can say that her record is in par with the recently tenured cases that I have been asked to review (at

Georgia Tech, USC, MIT, and Northwestern). Over a fifteen-year period, I would put her in the top 20% of all those I have evaluated and subsequently received tenure.

It is my view that her trajectory is very good and her work will continue to receive increased recognition world-wide.

As obvious from my comments, I offer my full support in favor of this promotion. If you need additional information, details or precision, please do not hesitate to contact me at jaillet@mit.edu.

Sincerely yours,

Patrick Jaillet

Dugald C. Jackson Professor, EECS

Co-Director, Operations Research Center

From: Patrick Jaillet < <u>iaillet@mit.edu</u>> Sent: Sunday, August 5, 2018 11:56 PM

To: Tewfik, Ahmed H < tewfik@austin.utexas.edu>

Cc: Erengil, Jac < jac.erengil@utexas.edu>

Subject: Re: Response needed by Friday 6/22: would you be able to provide a letter of reference in

support of the promotion of Prof. Nikolova to associate professor by July 27?

Dear Ahmed,

Attached please find my letter. Again thank you for your patience. Best regards,

-Patrick

### Patrick Jaillet - biographical sketch

Dr. Patrick Jaillet is the Dugald C. Jackson Professor in the Department of Electrical Engineering and Computer Science and a member of the Laboratory for Information and Decision Systems at MIT. He is also co-Director of the MIT Operations Research Center and the Faculty Director of the MIT-France program. He was Head of Civil and Environmental Engineering at MIT from 2002 to 2009, where he currently holds a courtesy appointment. From 1991 to 2002 he was a professor at the University of Texas in Austin, the last five years as the Chair of the Department of Management Science and Information Systems within the McCombs School of Business School. He co-founded and was Director of UT Austin's Center for Computational Finance. Before his appointment in Austin, he was a faculty and a member of the Center for Applied Mathematics at the Ecole Nationale des Ponts et Chaussée in Paris. He received a Diplôme d'Ingénieur from France (1981), and then came to MIT where he received an SM in Transportation (1982) followed by a PhD in Operations Research (1985).

Dr. Jaillet's research interests include online optimization and learning; real-time, dynamic, and data-driven problems; and networks. His research is funded by US federal sources such as NSF, ONR, and internationally by Singapore. Professor Jaillet's teaching covers subjects such as algorithms; mathematical programming; network science and models; and probability. Dr. Jaillet's consulting activities primarily focus on the development of optimization-based analytic solutions in various industries, including defense, financial, electronic marketplace, and information technology.

Dr. Jaillet was a Fulbright scholar in 1990 and the recipient of many research and teaching awards. He is a Fellow of the Institute for Operations Research and Management Science Society (INFORMS), a member of the Mathematical Optimization Society (MOS), and a member of the Society for Industrial and Applied Mathematics (SIAM). He is currently an Associate Editor for INFORMS Journal on Optimization, Networks, and Naval Research Logistics, and has been an Associate Editor for Operations Research from 1994 until 2005 and for Transportation Science from 2002 until 2017.





July 11, 2018

С

School of Engineering and Applied Science Computer and Information Science Department 3330 Walnut Street Levine Hall Philadelphia, PA 19104-6309

Prof. Ahmed Tewfik Cockrell Family Regents Chair in Engineering Chairman, Department of Electrical and Computer Engineering

Dear Prof. Tewfik.

I am happy to write in support of Prof. Evdokia Nikolova's tenure and promotion to the rank of Associate Professor in your department. I have known of Prof. Nikolova's work for a few years now, but met her for the first time about 2 years ago at a planning meeting at the Simons Institute in Berkeley, for a program on Real Time Decision Making that she was co-organizing. Since then I have interacted with her significantly on a couple of occasions and have enjoyed my interactions each time.

Evdokia's core technical expertise lies squarely in theoretical computer science. But it would not be appropriate to evaluate her by the yardsticks used to evaluate researchers in this field. Theoretical computer science has a rich tradition of bringing its rigor and analytic tools to many other disciplines and societal problems with great success, for example, in resource optimization, computational biology, cybersecurity, privacy, and fairness. Evdokia's work follows this great tradition: Her main contributions are in modeling and understanding the behavior of risk-averse selfish agents in congestion games and specifically in selfish routing. Over the last few years, she has also been trying to model and understand smart grids with collaborators from this application domain. I will describe her work in some detail below.

In selfish routing we have a network (of roads, say) and each agent starts at some node and wants to end up at another. (In the non-atomic version there are not individual agents, but amounts of flow that want to go from point A to point B.) The delay that an agent encounters on any link in the network is a (linear) function of the number of people (amount of flow) using that link. The standard version of the problem is to seek an equilibrium where each agent is minimizing their expected delay (assuming probabilistic behavior by all agents).

Evdokia's key insight was that risk-averse agents do not want to simply minimize the expected delay. It may be unacceptable to them if the delay has high variance. Instead she defined the notion of agents minimizing either the sum of the mean and some multiple of the standard deviation. The larger the multiple, the more risk-averse the agent is. (It is always possible to model risk using arbitrary utility functions for agents, but at this level of generality no positive algorithmic result could be hoped for.) The resulting mathematics is completely different from that of the standard model. Evdokia initially showed how a single risk-averse agent would behave in a quiescent network; she next wrote several excellent papers considering situations where all agents are risk-averse to the same extent. Finally, she considered the situation where there is diversity among the agents' level of risk aversion, and asked whether such diversity could contribute to a more socially optimal equilibrium. Her answer was that in general this would not be the case: only in networks with special structure would diversity help.

University of Pennsylvania

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I am a fan of this main line of Evdokia's research for a number of reasons: 1) She breaks new conceptual ground in her problem choice. 2) She models a very real situation and does so without oversimplifying the model for the sake of computational tractability. 3) At the same time, her models are elegant and admit analytical tools. 4) She often has an empirical component to her work and has very successful evaluations of her results. In addition, I have been working for several months now on whether and when diversity of goals helps in achieving better equilibria, and I can particularly appreciate Evdokia's way of classifying networks into those on which diversity helps and those on which it doesn't. Evdokia's papers and presentations are also eloquent and clear, laying out the case for the modeling choices she makes with persuasive arguments. I am less familiar with Evdokia's work on smart grids, but I have seen that some of the top researchers in smart grids (in addition to her coauthors) seek her out for technical discussions on problems.

It is customary in letters of this kind to make comparative statements. Unfortunately I will not be able to do that here. It would not be appropriate to compare Evdokia to a pool of theoretical computer scientists. While I am familiar with the work of various theorists doing applied work, I do not know a sufficient number of young theorists whose work is exactly in the areas that Evdokia works on. I can say that Evdokia publishes in a broad range of venues. EC and WINE are still young conferences, but they are very well-regarded, and I send some of my own favorite results to these conferences. IJCAI is the top AI conference and it is laudable that Evdokia got the AI community interested in risk-averse routing problems by publishing several of her papers there.

Overall, I am confident Evdokia will continue to be very successful – she has great taste in problem choice and modeling, and she continues to do the empirical evaluation necessary to validate (and possibly modify) her models. Her rising citation count is a clear signal that her body of work on risk aversion is having a big impact. I strongly recommend her for tenure.

Sincerely,

Sampath K. Kannan

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Henry Salvatori Professor

Computer and Information Science Department

University of Pennsylvania

University of Pennsylvania

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From: kannan < kannan@cis.upenn.edu>
Sent: Sunday, August 5, 2018 4:51 AM
To: Erengil, Jac < jac.erengil@utexas.edu>

Cc: Tewfik, Ahmed H < <a href="mailto:tewfik@austin.utexas.edu">tewfik@austin.utexas.edu</a> Subject: Re: Promotion Consideration, Dr. Nikolova

Hi Jac,

Please find attached my letter for Evdokia.

Best, Sampath

#### Sampath Kannan

Henry Salvatori Professor Computer and Information Science (CIS)

Sampath Kannan is the Henry Salvatori Professor and Department Chair in the Department of Computer and Information Science at the University of Pennsylvania. Sampath's research spans several subfields in algorithms. In his work on massive data set algorithms, Sampath explores what can be computed efficiently, and what is not computable. He is also interested in program checking, a paradigm for ensuring the correctness of a program by observing its behavior at run-time, and in algorithmic problems in computational biology, particularly the problem of reconstructing the evolutionary history of a set of species from phenotypic and molecular sequence observations.

Honors and Awards: Outstanding Faculty Advising Award - 2005

#### Research Expertise: Algorithms and Complexity

Sampath's research spans several subfields in algorithms. In his work on massive data set algorithms, Sampath explores what can be computed efficiently, and what is not computable. He is also interested in program checking, a paradigm for ensuring the correctness of a program by observing its behavior at run-time, and in algorithmic problems in computational biology, particularly the problem of reconstructing the evolutionary history of a set of species from phenotypic and molecular sequence observations.

#### Member of:

- Institute for Research in Cognitive Science (IRCS)
- Penn Center for Bioinformatics (PCBi)

BC



Technische Universität München | Lehrstuhl für Operations Research Arcisstraße 21 I 80333 München

Professor Ahmed Tewfik
Chair, Dept. of Electrical and Computer
Engineering
Cockrell School of Engineering
The University of Texas at Austin

August 20, 2018

Evaluation of Dr. Evdokia Nikolova for possible promotion to Associate Professor with Tenure

Dear Professor Tewfik,

I am responding to your request to evaluate Dr. Evdokia Nikolova in support of the upcoming deliberations on promoting her to Tenured Associate Professor. By background, I have met Dr. Nikolova at MIT where she did her PhD and spent some time as a postdoc. Apart from her former advisor (David Karger), she has published most often with Nicolas Stier-Moses, who was one of my PhD students at MIT. He graduated in 2004.

Dr. Nikolova is a theoretical computer scientist by training, but has taken interest in models that may better reflect certain real-world phenomena. Most prominently, she has studied stochastic variants of combinatorial optimization problems (especially the shortest path problem), and she has analyzed the effects of risk aversion in game-theoretic settings, particularly in the context of selfish routing.

Classic combinatorial optimization theory concerns deterministic settings. For instance, it is assumed that the lengths of origin-destination paths in networks is known with certainty. Similarly, most selfish-routing/traffic assignment models assume risk-neutral agents, while in practice most users may be risk-averse (i.e., all else being equal, prefer low-variance outcomes to high-variance ones). Risk aversion leads to challenges in the mathematical analysis of the resulting models, and often to different insights compared to the case of risk-neutral players.

Prior to your request, I had not been familiar with the five publications that Dr. Nikolova has identified as her most significant ones. I have read them with interest, especially because they are scholarly and eloquently written. Moreover, they identify a number of intriguing open problems. However, let me rather review some of the results therein that I find most relevant.

Technische Universität München Fakultäten für Mathematik & für Wirtschaftswissenschaften Lehrstuhl für Operations Research Prof. Dr. rer. nat. Andreas S. Schulz Alexander von Humboldt-Professor Ordinarius Tel. +49 89 289 268 89 Fax +49 89 289 268 92

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Let me start by discussing a paper that was recently accepted for presentation at the premier conference in the relatively new field of algorithmic game theory, ACM EC 2018.<sup>1</sup> In a network in which different profit-maximizing providers compete by setting a fee for the link they own<sup>2</sup> (and where subsequently selfish agents experience costs comprised of latencies and tolls and otherwise behave as in selfish routing), Dr. Nikolova and her coauthors note that price equilibria may not exist. However, they show that when fees are capped appropriately, a unique equilibrium exists. It even is immune to coalitions. While the theory for proving this result had been in place, it is a nice example in that it shows how proper mathematical analysis may influence policy making.

Paper #2, which appeared in the top journal of the field of Operations Research, represents a rather systematic study of how including uncertain latencies in the standard selfish routing model leads to changes in the existence and characterization of equilibria and how it may influence the loss of efficiency due to selfish behavior. This requires a sound knowledge of tools and techniques from a variety of fields, including network flows, convex analysis, equilibrium theory, and stochastic shortest paths. Technically most demanding is the case in which the standard deviation of the latency of a link depends on the flow on that link. However, a drawback is that the loss of efficiency (nowadays commonly known as the price of anarchy) is measured as in the case with deterministic latencies, making it hard to separate the effects of selfishness and risk.

This has been addressed in Paper #1, which is apparently set to appear in another top journal of the field (and which I like best from this set). The authors introduce a new concept, which they call "price of risk aversion." It relates the cost of a risk-averse equilibrium to that of a risk-neutral equilibrium, where the cost is measured in terms of expected latencies. This notion now captures properly how much society pays for the risk-aversion of users. Unfortunately, it turns out that this measure is unbounded in general. (Put differently, it depends linearly on the variance). The authors therefore assume that the variance-to-mean ratio is bounded to begin with. Under this assumption, they show that the price of risk-aversion is bounded above by an expression that depends linearly on the product of the parameter capturing the risk aversion and a parameter characterizing the network topology. In general, the latter parameter may be as large as half the number of nodes in the network. However, the authors show that this bound is, indeed, tight. Inspired by follow-up work of Meir and Parkes, they also derive an alternative bound that depends on risk-aversion and the price of anarchy of the corresponding deterministic game only. They also argue that the assumption of homogeneous users (all players have the same attitude towards risk) does in general not influence their results.

In my view, it is fair to claim that Dr. Nikolova has been at the forefront of researchers trying to

<sup>1</sup> Paper #4 on the list of five.

<sup>&</sup>lt;sup>2</sup> The assumption that each owns only one link seems a bit unrealistic.



incorporate important stochastic aspects into network optimization and equilibrium models. She may not have had what one may typically consider a home-run paper, but with meticulous work she has certainly helped to bring this research direction forward.

Dr. Nikolova has only four journal publications, which would be very few in any environment in which this would be the main measure of success. However, three of the four papers are in top journals. Moreover, in theoretical computer science, the community generally cares more about refereed conference publications, of which she has many more. I am not sufficiently knowledgeable to speak to the AI proceedings in which she has published, but her stream of papers in ACM EC is good, with acceptances in 2018, 2015, 2013, 2007 (2), and 2005. As mentioned before, ACM EC is the top conference in algorithmic game theory, if one does not choose to submit or get into general theory conferences such as STOC, FOCS or SODA.

I have not recently had a chance to attend a lecture or talk by Dr. Nikolova, but from what I remember, I can easily imagine that she has become a very good teacher and advisor.

My bottom line for the decision at hand: Dr. Nikolova is a talented, widely knowledgeable scholar who is working on a diverse set of topics and who has produced an interesting body of work, which I have enjoyed reading. All in all, I would encourage you to seriously consider promoting Dr. Nikolova to Associate Professor with Tenure.

Sincerely,

Andreas S. Schulz

Alexander von Humboldt-Professor

P.S. As per your request, a biographical sketch of myself is included below.



#### Biographical sketch:

Andreas S. Schulz is endowed chaired full professor at TU Munich. He holds a joint appointment in the Department of Mathematics and in the School of Management. He is also an Honorary Fellow of the Institute of Advanced Study as well as a Research Affiliate of the Massachusetts Institute of Technology (MIT), where he previously was the Patrick J. McGovern Professor of Mathematics of Operations Research. In 2015, with the help of an Alexander von Humboldt-Professorship— the most highly-endowed research award in Germany — Professor Schulz founded the Research Group for Operations Research at TU Munich, From 1998 to 2015, Professor Schulz was a member of the faculty at MIT in Cambridge, Massachusetts. He held visiting positions at the Sauder School of Business of the University of British Columbia, at the Faculty of Economics and Business Administration of Maastricht University, at the Institute of Theoretical Computer Science at ETH Zurich, and at the Department of Mathematics of TU Berlin, from which he obtained his PhD in 1996. Professor Schulz has published more than 80 peer-reviewed articles, and he has received several awards for his research, including the Humboldt Research Award in recognition of his lifetime achievements in research and membership in the Junge Akademie of the Berlin-Brandenburg Academy of Sciences and Humanities and the German National Academy of Sciences Leopoldina. He has served on the editorial boards of several leading journals, including ACM Transactions on Algorithms, Discrete Optimization, INFORMS Journal on Computing, Journal of Scheduling, and Operations Research. His research interests include algorithmic game theory, approximation algorithms, combinatorial optimization, computational complexity, integer programming, network flows, polyhedral combinatorics, and scheduling theory.

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BC

David Shmoys
Laibe/Acheson Professor
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August 18, 2018

Dr. Ahmed Tewfik
Cockrell Family Regents Chair in Eingeering
Chairman
Department of Electrical and Computer Engineering
Cockrell School of Engineering
Engineering Education & Research Center ((ER)
2501 Speedway, Room 2,864,C0803
Austin, TX 78712

#### Dear Professor Tewfik:

I am writing in response to your request that I evaluate the work and promise of Evdokia Nikolova, who is being considered for promotion to Associate Professor with indefinite tenure in the Department of Electrical and Computer Engineering at the University of Texas at Austin.

I have known Evdokia since her graduate school and postdoctoral years — at the time we were both focused on emerging theoretical algorithmic approaches to studying stochastic optimization problems in networks, and her doctoral work included several interesting results along those lines. In spite of this early contact, perhaps largely due to the fact that my own work has moved in a rather different direction, focusing on more application—driven issues, I have not followed her work closely in the intervening years; my most extended interactions with her recently were facilitated by the fact that I was a long-term visitor in the semester-long program on real-time decision-making at the Simons Institute for Theory of Computing at the University of California at Berkeley, for which she was one of the 5 program organizers. In fact, it was clear that she had matured professionally to the point that she had taken on the role of *the* main organizer, in spite of the fact that the others of this group were an extremely distinguished, senior, and extraordinarily broad cohort.

The main thrust of Nikolova's work has been to develop algorithmic solutions to capture the interplay between stochastic models of demand in a network (primarily for traffic routing, but more recently in the context of energy networks), with multiple agents competing for these resources, and hence viewed in a game-theoretic context. Her work has also focused on a variety of models to capture notions of risk in these settings. For example, with the traffic routing setting, results that have stimulated tremendous activity have been the study of the price of anarchy – what is the worst-case (or Bayesian worst-case) cost of having decision-making by selfish agents, rather than by a social-good-

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coordinating entity? Instead, Nikolova has approached the question of the price of risk-aversion, modeling this in numerous ways throughout her work. This is a fundamentally important line of work, which really came into sharp focus in her recent paper with Lianeas and Stier-Moses. In reading through the packet of papers sent for reviewing her case, it was this paper that provides an excellent point of reference in her explorations in this domain. It is technically non-trivial, and provides clear insights into the tradeoffs exposed by this elegant framing of the question. It appears that her collaboration with Stier-Moses has been extremely fruitful, because I also found their *Operations Research* paper on a mean-risk model for the traffic assignment problem with stochastic travel times to be a very strong piece of work – the modeling aspects and the mathematical structural results combine to provide clear insights into a central problem in routing control, and with the rise of app-based traffic routing, the importance of these results is ever-increasing.

The impact of Nikolova's body of research is starting to really gain in traction. I expect that the two papers mentioned above, which are quite recent, will generate quite a bit of follow-up work by a cross-section of researchers. Her paper from the 2016 ACM EC conference has also been influential, with over 30 citations to date in this short period since its appearance. I believe that the body of work is comparable in breadth and depth to her peers approaching tenure decisions at their respective research-oriented universities, and that a tenure case of these merits would have strong proponents at most top-10 departments. She has been a good mentor for PhD students and has now developed what seems to be a good pipeline of both doctoral and postdoctoral mentees, along with obtaining the research support to maintain it. Her research agenda is a good one – I think that she is moving towards not just attacking stylized models, but rather trying to capture settings in which her work can have real-world impact, and I strongly support this transition. She is an articulate expositor, and I can well imagine that she can be highly effective in the classroom (though I have no first-hand basis on which to make any definite conclusions). Her role in the Simons semester bodes well for her future leadership in the algorithms community, and her research agenda is well-positioned to be an area of increasing importance.

I believe that her record is roughly consistent with the expected achievements required for tenure.

David Shmoys

Pail Fo

Laibe/Acheson Professor

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Shmoys letter for Nikolova tenure case

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David B. Shmoys

Laibe/Acheson Professor of Business Management & Leadership Studies

Associate Director, Institute for Computational Sustainability

School of Operations Research and Information Engineering

Department of Computer Science

Cornell University

#### Research

The primary focus of my research is on the design and analysis of efficient algorithms for discrete optimization problems, and in particular, on approximation algorithms for NP-hard and other computationally intractable problems. Linear programming relaxations have played a fundamental role in obtaining good solutions to hard optimization problems, and we continue to study their application to a range of problems in clustering, sequencing and scheduling, and inventory problems, in both deterministic and stochastic optimization settings. In addition to studying these problems with a theoretical lens, we have been involved in the practical application of these techniques in settings ranging from genomics to medical aircraft scheduling to the long-term planning for the preservation of the red-cockaded woodpecker to the operational logistics and design of bike-sharing systems.

#### Research Areas

Sequencing and Scheduling Problems
Stochastic Optimization Problems
Deterministic Inventory Models
Clustering and Facility Location Problems
Computational Sustainability

#### Brief Bio

David Shmoys obtained his Ph.D. in Computer Science from the University of California at Berkeley in 1984 and held postdoctoral positions at MSRI in Berkeley and Harvard University, and a faculty position at MIT before joining the Cornell faculty. He is Co-Chair of the Academic Planning Committee for Cornell Tech and Associate Director of the Institute of Computational Sustainability at Cornell University.

He is a Fellow of the ACM, INFORMS, and of SIAM, was an NSF Presidential Young Investigator, and has served on numerous editorial boards, including Mathematics of Operations Research (for which he is currently an Associate Editor), Operations Research, ORSA Journal on Computing, Mathematical Programming, and the SIAM Journals of both Computing and Discrete Mathematics, where for the latter he also served as Editor-in-Chief. He has been the advisor for 21 graduated Ph.D. students, and his former students are currently on the faculties of many leading universities and research labs, including MIT, Waterloo, Brown, Maryland, Georgetown, and D-Wave.

Shmoys' research has focused on the design and analysis of efficient algorithms for discrete optimization problems, with applications including scheduling, inventory theory, computational biology, and most recently, computational sustainability. His work has highlighted the central role that linear programming plays in the design of approximation algorithms for NP-hard problems; his recent book, co-authored with David Williamson), The Design of Approximation Algorithms, was awarded the 2013 Lanchester Prize by INFORMS.

# Georgia H. Milton Stewart School of Tech Industrial and Systems Engineering

August 19, 2018

Dear Colleagues,

It is with great pleasure that I am writing this letter as part of the promotion and tenure of Prof. Evdokia Nikolova (Evdokia).

Let me start with a high-level summary. Evdokia has a remarkable profile. She pioneered the concept of risk aversion and its application to complex systems/networks and established its foundation in a number of outstanding and insightful papers. Her funding record is excellent, especially for a junior faculty in a more theoretical part of the field. She is highly visible in the field and beyond, which is unusual for someone at this stage of her career. I believe that she would have awarded tenure and promotion easily in all institutions I have been part of. This includes Computer Science at Brown University where I was a professor for 20 years, the IOE and EECS departments of the University of Michigan, and the school of Industrial and Systems Engineering at Georgia Tech.

As I mentioned, Evdokia pioneered the concept of risk aversion in networks and studied the impact of risk aversion on network routing, producing a series of important articles. She then tried to generalize these early results to multiple users with the framework of algorithmic game theory. She showed how difficult this was even for very simple and natural risk measure, providing another key insight in the nature of risk aversion in networks. Perhaps one of her key insights was related to the price of anarchy, i.e., the cost of letting agents act selfishly instead of optimizing a system globally (which may not be even possible in practice). She showed that, depending on how risk is modeled, the price of anarchy could vary widely, from simple constant factors (which means that there is limited to selfishness) to infinity, which means that selfish behavior is highly detrimental. The consequence of these results is that risk modeling is critical and should be considered very carefully, an area that, Evdokia argued, needs much more attention. This obviously goes well beyond computer science and algorithmic game theory. Finally, as was to be expected, Evdokia then worked on characterizing the price of risk aversion per se, concluding a research program that has been impressive in its depth and breadth.

In the way she approaches her research, Evdokia reminds me of Katrina Liggett who was an undergraduate student at Brown University, went to CMU for her PhD thesis (under A. Blum), was an assistant professor at Caltech for many years before moving as an associate professor at the Hebrew University (for family reasons). Both have pioneered new concepts and developed their foundations with fundamentally new insights, and their work bridges different areas of the field. It is also important to emphasize Evdokia's coauthors, which is a group of exceptional scientists. This, in my opinion, is further indication of her stature in the field and how she is regarded by senior faculty in the field.

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Page 2
 August 19, 2018

Evdokia's publication record is very strong. Her conference papers are published in a variety of highly selective, premier venues in artificial intelligence, electronic commerce, theoretical computer science, networking, and power systems. Her last three journal papers are in the best journals in operations research and electronic commerce. Her funding record, building on her NSF career award, is very strong for someone working in the more theoretical part of the field, and indicates the practical relevance of her results and insights.

Evdokia has now moved to electrical distribution systems, a field that faces fundamental challenges and opportunities with the emergence of distributed generation. I will be following Evdokia's work closely in the coming years, since her skills may bring some fundamentally new insights that will help shape the future of electricity networks.

As should be clear from this letter, I believe that Evdokia is a remarkable scientist with a strong case for tenure and promotion. She would certainly have received tenure easily at all the institutions I have been affiliated with and I believe that she will be an asset to your university for many years to come.

Please do not hesitate to contact me if you have additional questions,

Best regards,

Pascal Van Hentenryck

A. Russell Chandler III Chair and Professor
H. Milton Stewart School of Industrial and Systems Engineering
Center for Machine Learning (ML@GT)
Georgia Institute of Technology
755 Ferst Drive, NW, Atlanta, GA 30332

Phone: 404.385.5538

Email: pvh@isye.gatech.edu

From: Van Hentenryck, Pascal pascal.vanhentenryck@isye.gatech.edu>

Sent: Sunday, August 19, 2018 11:35 AM To: Erengil, Jac < jac.erengil@utexas.edu > Subject: Nikolova's Promotion Letter

Dear Jac,

Please find in attachment my letter for the promotion and tenure of Professor E. Nikolova.

I would like to apologize for having created some unnecessary stress on your side. I recently moved to Georgia Tech and we had a series of unfortunate events happen during the move (those are now resolved fortunately).

I was very pleased to write these letters and do not hesitate to contact me, would you need more information.

Many thanks and best regards,

Pascal

Pascal Van Hentenryck
Professor, Industrial and Operations Engineering
University of Michigan

Pascal Van Hentenryck is the Seth Bonder Collegiate Professor at the University of Michigan. He is professor of Industrial and Operations Engineering, Professor of Computer Science and Engineering, and Core Faculty in the Michigan Institute for Data Science. Prior to this appointment, he led the optimization research group (about 70 people) at National ICT Australia (NICTA) (until its merger with CSIRO) and was a professor of Computer Science at Brown University for about 20 years, which he joined after his PhD in Belgium. Van Hentenryck is also an Honorary Professor at the Australian National University.

Van Hentenryck is a Fellow of AAAI (the Association for the Advancement of Artificial Intelligence) and INFORMS (the Institute for Operations Research and Management Science). He has been awarded two honorary doctoral degrees from the University of Louvain and the university of Nantes, the IFORS Distinguished Lecturer Award, the Philip J. Bray Award for teaching excellence in the physical sciences at Brown University, the ACP Award for Research Excellence in Constraint Programming, the ICS INFORMS Prize for Research Excellence at the Intersection of Computer Science and Operations Research, and an NSF National Young Investigator Award. He received a Test of Time Award (20 years) from the Association of Logic Programming and numerous best paper awards, including at IJCAI and AAAI. Van Hentenryck has given plenary/semi-plenary talks at the International Joint Conference on Artificial Intelligence (twice), the International Symposium on Mathematical Programming, the SIAM Optimization Conference, the Annual INFORMS Conference, NIPS, and many other conferences. Van Hentenryck is program co-chair of the AAAI'19 conference.

### COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK

COMPUTER SCIENCE

Mihalis Yannakakis (212) 939-7145 mihalis@cs.columbia.edu http://www.cs.columbia.edu/~mihalis

BC

August 10, 2018

Dr. Ahmed Tewfik Chair, Department of Electrical and Computer Engineering University of Texas Austin, Texas

Dear Prof. Tewfik:

This is a letter concerning Dr. Evdokia Nikolova who is being considered for promotion to the rank of Associate Professor with tenure. I know Dr. Nikolova since she was in graduate school and I am familiar with several of her papers.

Dr. Nikolova works in the general area of algorithms and their applications, especially in networks and transportation. Her research focuses especially on issues arising from uncertainty in available information, and from interaction between different agents. It involves rigorous mathematical modeling of the context (e.g. the transportation network) and the agents and their objectives including in particular modeling the risk tolerance and its effect in decision making. The works uses tools from game theory, probability, optimization, and design and analysis of efficient algorithms. She has compiled a strong research record of solid papers addressing rigorously these issues and providing basic models, concepts and results in this area.

In her early work, Dr. Nikolova studied routing and shortest path problems under uncertainty, and published a series of very nice papers presenting algorithms for finding shortest paths in networks where the edge lengths have given probability distributions and/or the lengths are discovered dynamically online during the route (the so-called "Canadian traveler problem", a problem that I had studied earlier myself). Subsequently, and especially in the recent years, she has expanded substantially the scope of her investigations in various directions, concentrating on modeling and analyzing risk and its effects.

In the paper "A mean-risk model for the traffic assignment problem with stochastic travel times" (with Stier-Moses, published in Operations Research 2014) she introduced a model that combines risk considerations for the users and stochastic information on the

Computer Science Building Mail Code 0401 1214 Amsterdam Avenue New York, NY 10027 212-939-7000 Fax 212-666-0140

network, in which the agents want to minimize a linear combination of the mean time and standard deviation, where the relative weights in the linear combination reflect the risk tolerance of the agents. The paper analyzes the equilibria in this model, both for atomic and nonatomic agents, their existence, computation, and succinctness.

In her paper "Risk sensitivity of price of anarchy under uncertainty" (with Piliouras and Shamma in ACM TEAC 2016), she studied how the price of anarchy is affected by the risk model. The price of anarchy measures the loss in efficiency due to the uncoordinated behavior of different agents, each optimizing independently their own objectives, as compared to a centrally optimized system. Although the price of anarchy of routing problems has been studied extensively in the past, this is the first paper that addresses the effects of risk. The paper shows that the risk model can make a big difference in the price of anarchy, ranging from a small constant to infinity. In a subsequent paper, "Risk-averse selfish routing" (with her student Lianeas and Stier Moses, to appear in Mathematics of Operations Research), she studies more closely the quantitative effects of risk aversion; she defines a parameter for this purpose, the 'price of risk aversion' measuring how much the performance deteriorates due to risk aversion, and studies this parameter in the mean-risk model, where the risk aversion is measured by the weight given to the variance in the delay of a path. The paper derives bounds on the price of risk aversion in terms of the size and the structure of the network.

Dr. Nikolova has done a number of other interesting works in various other aspects of networks and optimization. For example, a very nice paper in this year's EC conference shows how to set caps on tolls charged by toll operators to induce an equilibrium that achieves optimal total delay. In a paper in this year's IJCAI, she examines for which kinds of networks diversity in users' preferences in the relative importance of time versus cost, helps in reducing congestion.

Dr. Nikolova is productive and publishes regularly in prime conferences in algorithmic game theory like EC (ACM Conf. on Economics and Computation) and in Al like AAAI. She is also very active and involved in the community, serving often on the program committees of these and other conferences.

In summary, Dr. Nikolova has built a very strong record of solid research results. She investigates well-motivated, important problems, and applies a rigorous approach to model the problems and address them mathematically and algorithmically. I recommend her promotion to Associate Professor with tenure.

Sincerely.

Mihalis Yannakakis

Percy K. and Vida L. W. Hudson Professor

of Computer Science

Computer Science Building Mail Code 0401 1214 Amsterdam Avenue New York, NY 10027 212-939-7000 Fax 212-666-0140

From: Mihailis Yannakakis < mihalis@cs.columbia.edu>

**Date:** Friday, August 10, 2018 at 3:17 PM **To:** "Erengil, Jac" < <u>iac.erengil@utexas.edu</u>>

Cc: Ahmed Tewfik < tewfik@austin.utexas.edu >, Mihailis Yannakakis

<mihalis@cs.columbia.edu>

Subject: Re: Promotion Consideration, Dr. Nikolova

Attached please find my letter for Dr. Nikolova.

Best, Mihailis

#### Mihalis Yannakakis

Mihalis Yannakakis is the Percy K. and Vida L. W. Hudson Professor of Computer Science at Columbia University. Prior to joining Columbia, he was Director of the Computing Principles Research Department at Bell Labs and at Avaya Labs, and Professor of Computer Science at Stanford University.

Dr. Yannakakis received his PhD from Princeton University. His research interests include algorithms, complexity, optimization, game theory, databases, testing and verification. He has served on the editorial boards of several journals, including as the past editor-in-chief of the SIAM Journal on Computing, and has chaired various conferences, including the IEEE Symposium on Foundations of Computer Science, the ACM Symposium on Theory of Computing and the ACM Symposium on Principles of Database Systems. Dr. Yannakakis is a member of the National Academy of Engineering, a recipient of the Knuth Prize, a Fellow of the ACM, and a Bell Labs Fellow.

Mihalis Yannakakis works on the theoretical foundations of computing, seeking to understand the inherent computational complexity of problems and to design efficient algorithms for their solution. He has applied this principled algorithmic approach to problems from different areas.

## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

EVDOKIA NIKOLOVA \*

Plaintiff,

\*

V.

CASE NO. 1:19-cv-00877-RP

\*

UNIVERSITY OF TEXAS AT

AUSTIN,

\*

Defendant.

ORAL VIDEOTAPED AND VIDEOCONFERENCED DEPOSITION

OF

GREGORY L. FENVES,

AS BOTH ORGANIZATION REPRESENTATIVE

AND AS FACT WITNESS

Thursday, May 27, 2021

ORAL VIDEOTAPED AND VIDEOCONFERENCED

DEPOSITION OF GREGORY L. FENVES, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on Thursday, May 27, 2021, from 9:05 a.m. to 5:11 p.m., before Debbie D. Cunningham, CSR, in and for the State of Texas, reported remotely via Machine Shorthand, pursuant to the Federal Rules of Civil Procedure.

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3
1 (Thursday, May 27, 2021, from 9:05 a.m.)
2 PROCEEDINGS
4 2021. This is the videoconferenced deposition of
5 Gregory L. Fenves in the matter of Nikolova versus UT.
6 Due to the COVID-19 Pandemic we are
7 remotely situated, and we are on the record at 9:05 a.m.
8 Central Standard Time.
9 My name is Debbie Cunningham, and my
10 business address is P.O. Box 245, Manchaca, Texas 78652.
11 Would all Counsel present please
·
12 introduce themselves for the record, starting with
13 Plaintiff's Counsel?
14 MR. NOTZON: Robert Notzon and Bob
15 Schmidt for the Plaintiff, Evdokia Nikolova.
16 MR. DOWER: Benjamin Dower and Amy Hilton
•
17 for The University of Texas at Austin, the Defendant.
18 And I believe that's all the counsel who
19 will be speaking today, and it may be fewer, even, than
20 that.
21 (Witness sworn by the reporter.)
22 MR. NOTZON: Good morning. Doctor, I
23 guess let's let's get clear first, Dr. Fenves, that
24 Ben has some stipulations that he'd like to read.
25 MR. DOWER: Thank you, Robert. I won't

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1 take up too much time with this.2 First, the parties stipulate that this

3 deposition may be taken remotely via Zoom.

The parties stipulate that "objection,

5 form" is sufficient to preserve objections to the form

of the questions and will be used in lieu of the more

7 specific form-based objections.

The parties stipulate that all objections

9 except to form of the question or answer are reserved

10 until trial.

8

11 And then, finally -- and this is really

12 more to Ms. Cunningham and not so much a stipulation --

13 that the Deponent would like an opportunity to review

14 the transcript and recording, pursuant to the Federal

15 Rule of Civil Procedure 30(e).

16 MR. NOTZON: Okay. And, Bob, you're

17 recording. Can you pin Dr. Fenves?

MR. SCHMIDT: I have pinned him.

19 And, also, while we're talking about

20 stipulations, I think we've also stipulated that it's

21 not -- that I can record, and it's not necessary to

22 announce the start and stop time when we record.

23 MR. DOWER: That is correct. Thanks,

24 Bob.

18

25 MR. SCHMIDT: Excellent. No, thank you.

1 THE WITNESS: It's fine.

2 MR. NOTZON: Good. Okay.

GREGORY L. FENVES,

having been duly sworn, testified as follows:

EXAMINATION

6 BY MR. NOTZON:

7 Q Good morning, Dr. Fenves.

A. Good morning.

Q. Thank you for being here. I appreciate it,

10 especially with the schedule jockeying that we've been

11 doing for a long time now. We're finally here to get

12 this done.

13 So if you could, tell us where you are

14 presently employed.

15 A. I am presently employed by Emory University in

16 Atlanta, Georgia.

17 Q. Okay. And you're the president there, and you

18 started at what date?

19 A. I'm the President of Emory University; and

20 that was beginning August 1st, 2020.

21 Q. Okay. And you were -- prior to that, you were

22 the President of the University of Texas at Austin for

23 how long?

7

10

24 A. I was president of UT Austin from June of 2015

25 until May 31st, 2020.

1 Yeah.

2 MR. NOTZON: Okay. I only say that, Bob,

3 because the green highlight keeps moving around; and I

4 didn't know if that was normal for the recording if you

5 pinned Dr. Fenves.

6 MR. SCHMIDT: I don't know -- sorry. I

7 don't know about the highlight. I'm not seeing that on

my screen, but I do have him pinned on my screen.

9 MR. NOTZON: Okay. Good.

MR. SCHMIDT: We can -- when we go on a

11 break, I'll double-check and make sure everything looks

12 okay.

10

13 MR. NOTZON: And one more housekeeping

14 matter. Ben, so in deposing Dr. Fenves, I can call him

15 Dr. Fenves or I can call him President Fenves, you know,

16 because we're talking to him in his role as the Former

17 President of UT; but I also don't want to say "Former

18 President."

19 MR. DOWER: Well, he's also President of

20 Emory. So, technically, "President" works for both past

21 and present roles. Although, I don't have a preference

22 if that's what you're asking.

23 THE WITNESS: I don't have a preference.

24 MR. NOTZON: Okay. So "Dr. Fenves" is

25 fine?

1 Q. And the role you held prior to being president

2 at UT, could you tell us what that was and the dates?

A. So immediately prior to the -- as president of

4 UT. I was the Executive Vice President, Provost, That

5 started October 2013 until I became president in June of

6 2015. Prior to that, I was Dean of the Cockrell School

7 of Engineering. The start date was September of 2008,

8 and it ended when I became provost in October of 2013.

9 Q. Okay. And was that your first job at UT?

A. That was my first job in my return to UT. My

11 first job at UT was an assistant professor from 1984 to

12 the end of 1987.

13 Q. And then where did you go?

14 A. So from January 1988 until I left for UT in

15 August of 2008 I was a professor and then later

16 Department Chair at the University of California-

17 Berkeley.

18 Q. Okay. So you got your tenure at Berkeley?

19 A. My tenure was at Berkeley, that's correct.

Q. Okay. And did -- and how many years were you

21 an assistant professor at Berkeley before you got

22 tenure?

23 A. I forget. That's so long ago, I'd have to go

24 back and check my CV; but I believe I was awarded tenure

25 in 1989.

Appx.0371

1 Q. Okay.

- 2 A. I'd have to actually confirm that on my own
- 3 CV.
- 4 Q. So you do recall that you didn't go through a
- 5 complete six years at Berkeley before getting tenure?
  - A. That is correct.
- 7 Q. Okay. So were you allowed to count your years
- 8 at UT assistant professor to assist you in getting to
- 9 the standard six before going up for tenure?
- 10 A. Well, the -- this is my recollection of the UC
- 11 Berkeley policies from nearly 30 years ago -- more than
- 12 30 years ago, that the University looked at the
- 13 accomplishments over the time as a rank of assistant
- 14 professor; and that was considered the -- what was
- 15 reviewed at the time of promotion.
- 16 Q. Okay. Which would have included your work at
- 17 UT?
- 18 A. Right.
- 19 Q. All right. And -- all right. What motivated
- 20 you to come back to UT?
- 21 A. I was offered the position to be a Dean of
- 22 Engineering at the Cockrell School of Engineering,
- 23 which was a very -- at a good point in my career to
- 24 think about that -- that role; and I was familiar with
- 25 the university and with the city of Austin from 20 years

- 1 to download and so it's a process.
  - 2 A. Hopefully this doesn't exceed my technical
  - 3 capabilities.
  - 4 Q. Me too.
  - 5 Okay. I believe it should be there, and
  - 6 this is going to be Exhibit 33.
  - 7 A. Okay. I have it.
    - (Exhibit 33 marked.)
  - 9 Q. (BY MR. NOTZON) Okay. And this is the
  - 10 Deposition Notice that sets out the three corporate rep
  - 11 topics.

8

- 12 A. Okay.
- 13 Q. And are you prepared to speak on those topics
- 14 as UT?
- 15 A. Yes, I am, recognizing I'm no longer employed
- 16 by UT.
- 17 Q. Right. That's the second time you've said
- 18 that, but UT has designated you to speak as UT on those
- 19 three topics?
- 20 A. That's correct.
- 21 Q. Okay. What did you do to prepare for those
- 22 three topics -- well, actually I won't ask you that
- 23 question just right now. I'm going to try to ask you
- 24 the questions for you as the individual, Dr. Fenves, and
- 25 then go into talking to you as UT on those three topics
- 11

- 1 earlier when I had been there.
- 2 Q. Were you recruited? You didn't apply; they
- 3 came and found you?
- 4 A. It was a typical recruitment. I was not
- 5 looking for a job and I received a call, that would I be
- 6 interested in being considered for the position; and I
- 7 decided to answer affirmatively to that.
  - Q. Who recruited you?
- 9 A. Well, the recruitment -- again, I'm trying to
- 10 remember. Well, there was a search committee, a search
- 11 consultant, so I can't remember -- this was back in
- 12 2008. So I can't remember who first contacted me. It
- 13 was either a member of the search committee or a
- 14 consultant. By that time you start talking to a number
- 15 of people.

8

- 16 Q. Okay. And you understand you are here as a
- 17 fact witness, basically what you personally remember
- 18 about what you saw or heard and experienced, as well as
- 19 being designated to speak as UT on three specific
- 20 topics. Do you -- are you aware of that?
- 21 A. I'm aware of that, just recognizing I'm no
- 22 longer employed by UT; but I do recognize that.
- 23 Q. Okay. Let me go ahead and put -- we're going
- 24 to go through exhibits during your deposition and what I
- will do is I will try to place them in the chat for you

- 1 sometime later in the day. Okay?
  - A. Okay.
  - 3 Q. So when you became -- when you went from dean
  - 4 to provost to dean [sic], those are essentially
  - 5 chain-of-command promotions, would you agree?
  - A. I went from dean to provost to president;
  - 7 but -- just to correct your statement -- but that is
  - 8 correct, that was progressing up the leadership roles in
  - 9 the university.
  - 10 Q. I meant to say that, but I don't know what I
  - 11 said.
  - 12 Okay. And during that time, did you make
  - 13 any changes as the provost or as the president to the
  - 14 promotional processes for tenure?
  - 15 A. Yes.
  - 16 Q. Okay. Did you make any changes to the
  - 17 requirement that six years in place at UT would be the
  - 18 norm -- as tenure track?
  - 19 A. I made no changes to the policy on
  - 20 probationary period.
  - 21 Q. Okay. Did you make any changes to any one --
  - 22 any of the rules or policies related to going up prior
  - 23 to meeting the six-year probationary period at UT?
  - A. I don't believe I made any changes to the way
  - 25 it had been handled at the time I joined UT in 2008.

13

- Q. Okay. And that would include the entire time
- 2 from 2008 until the time you left, you believe that
- 3 those policies and procedures remained constant?
- 4 A. Regarding -- so there -- I do not recall any
- changes in policies. We did have some changes in 5
- procedures to try to improve the process, timing and
- 7 clarification of information to faculty, department
- chairs, and deans. So there were some changes that
- were, you know, rather continual. Every year we looked
- 10 at what we could improve.
- 11 Q. Okay. Let me -- let me go ahead and specify
- 12 those specific area of whether or not there were any
- changes; and that would be: Were there any changes that 13
- you implemented or observed between 2008 and when you 14
- 15 left UT in the -- let's say the bar that you have to
- cross to get tenure if you -- if an assistant professor 16
- was put up for tenure prior to six years' probationary 17
- 18 time at UT?
- A. I don't believe there were any changes. 19
- Q. Okay. Were there any changes to counting of 20
- time in probationary status made during that period of 21
- 22 time?

1

- 23 A. No.
- 24 Q. So, for instance, if someone started as an
- 25 assistant professor midyear, that midyear time would not

- 1 one year -- and at some point the university did extend
  - 2 that to allow to up to two years of stop the clock. I
  - don't remember when that occurred.
  - Q. Okay. You weren't the decision-maker in
  - 5 making that change to two years?
    - A. I was not -- certainly by the time I became
  - president, that change had been incorporated. I don't
  - remember if I was provost or if it occurred while I was
  - dean. 9
  - 10 Q. Were you a moving factor in getting the policy
  - 11 change to add the potential for up to two years of stop
  - 12 the clock?

13

- MR. DOWER: Objection, form.
- 14 Go ahead.
- 15 A. Yes. I strongly believe in the stop-the-clock
- 16 policies and the purpose of them.
- 17 Q (BY MR. NOTZON) Okay. And what do you
- 18 understand the purpose of the policy is?
- 19 A. It's -- the primary purpose is to recognize
- 20 that faculty have family responsibilities, generally
- related to a child, either birth or adoption of a child,
- whether they're male or female, and that it was in the
- long-term benefit of the faculty member and of the
- University to recognize that in assessing their
- performance in the probationary period by extending --

15

- 1 count for the probationary status?
- 2 A. That is correct.
- Q. And if someone took a leave for a semester 3
- during a year, that whole year would not count toward
- 5 the probationary leave -- I mean, probationary time?
- A. Well, it depends -- there were different kinds
- of -- well, I don't have the policies in front of me. I
- don't think there were any changes, but there were
- different kinds of leaves. And I don't remember, sitting here, exactly how those counted in regards to 10
- 11 the probationary period.
- Q. Okay. Fair enough. Let me ask specifically 12
- 13 related to probationary extension, which is different
- 14 from leave, right?
- A. That is -- it is different. That's a very 15
- 16 important difference.
- 17 Q. Okay. And was probationary extension a policy
- that was in place prior to you coming to UT in 2008? 18
- A. Okay. So I'm trying to recollect. I believe 19
- 20 there was a one-year -- we typically called it "stop-
- 21 the-clock policy," which had the effect of extending the
- 22 probationary period. I don't like the term "extending
- the probationary period," because there is a 23
- probationary period: and it was very clear how we counted it. So I prefer "stop the clock." I there was

- extending the period. 1
  - Q. Okay. And -- and that's because six years is
  - a long period of time; and if you're in the mood to make
  - babies, you might want to have more than one in that
  - six-year period of time. Is that right?
  - 6 A. Well, I can't -- so I can't speak for
  - anybody's family, you know, goals; but it was a
  - recognition that the one-year stop the clock was not
  - meeting all the needs of the faculty. And as we looked
  - at other universities -- comparable, top-ranked research 10 11 universities -- many of them had two-year stop-the-clock
  - policies. And we also operated in competing to recruit 12
  - 13 the best faculty, and that was a factor in our decision.
  - 14 Q. And did -- are you aware that UT at any time
  - 15 looked into the possibility that the stop-the-clock

  - 16 policy may have had differing impacts on faculty,
  - 17 depending upon their circumstance?
  - 18 A. So I don't understand the question. It was
  - 19 generally viewed as a benefit to the faculty, highly
  - supported by the faculty. It was not a requirement. It
  - 21 was an option by a faculty member to elect to stop the 22 clock.
  - 23 Q. Right. And -- and you said it could be used
  - by male or female -- female or male faculty members
  - as -- from its inception, through the time that you were

1 president, correct?

- 2 A. So that was the intent, certainly, in the
- 3 later years. I think there probably was some
- 4 uncertainty about the applicability of the policy to
- 5 male faculty; but as -- as we clarified it, we made it
- 6 very clear that there was no gender basis for the stop-
- 7 the-clock policy. I can't recall what the -- when --
- 8 and it probably happened before I got there in 2008,
- 9 what the original application of the policy was; but
- 10 certainly while the time I was there, we made sure that
- 11 it was equitably available to faculty members -- all
- 12 faculty members.
- 13 Q. Equally available?
- 14 A. Well, okay. I'll use the word "equitably."
- 15 As we make decisions on personnel, I think about equity.
- 16 Q. Okay. So you would look at more than just the
- 17 gender of the recipient; you would look at the impacts
- 18 that it would have on the various genders?
- 19 MR. DOWER: Objection, form.
- 20 A. Is that question in regards to the stop-the-
- 21 clock policy or just in general?
- 22 Q. (BY MR. NOTZON) Stop-the-clock policy.
- 23 A. We felt the equity consideration was that it
- 24 was available to faculty, whatever their gender is, and
- 25 was available to faculty whether they were giving birth

- 1 in looking at equities, did you look beyond just the
  - 2 equal application between men and women and look at the
  - 3 impacts on men and women and whether or not they were
  - 4 different in terms of equities?
  - 5 A. I don't recall we ever conducted that type of
  - 6 study.
  - 7 Q. Okay. Do you understand that women, when
  - 8 pregnant, have physiological concerns and requirements
  - 9 that men do not have?
  - 10 A. Yes.
  - 11 Q. Do you understand that when caring for
  - 12 children, like breast feeding and other concerns, that
  - 13 women have different requirements than men have?
  - 14 A. Yes.
  - 15 Q. Do you understand that after giving birth,
  - 16 there's psychological concerns, most commonly, as an
  - 17 example, referred to as postpartum depression, that
  - 18 women have that men don't have?
  - 19 A. Yes.

20

- Q. Do you understand that there are socially-
- 21 engrained differences in the roles and duties of men and
- 22 women in childrearing that continue to persist in
- 23 society compared between men and women?
- 24 A. I'm generally aware of that.
- 25 Q. Okay. Given all those factors, do you

19

- 1 or adopting. That was the equity consideration.
- Q. All right. Did you look at whether or not the
- 3 policy was equitably enjoyed by both male and female
- 4 faculty members?
- 5 MR. DOWER: Objection to form.
- 6 A. I can't recall we ever did a study of it.
- 7 Q (BY MR. NOTZON) Did you ever hear concerns
- 8 that the equities of the stop-the-clock policy, when
- 9 applied both to male and female faculty, benefitted the
- 10 male faculty more than the female faculty?
- 11 A. I never -- I never heard anything -- I can't
- 12 recall that.
- 13 Q. Okay. Do you understand when considering
- 14 equity, you look at not just whether the gender is
- 15 transferable between the situations; but you also look
- 16 at the actual impacts on the different protected
- 17 classes?
- 18 A. I think this -- this was viewed as a benefit
- 19 to faculty, to make an accommodation for childbearing;
- 20 and we wanted to make sure that it was available to all
- 21 faculty who had childbearing responsibilities.
- 22 MR. NOTZON: Object as nonresponsive.
- 23 Q. (BY MR. NOTZON) What I'm trying to ask,
- 24 Dr. Fenves, is: I understand that answer goes to
- 25 applying the policy equally between men and women; but

- 1 understand that the equities of applying the stop-the-
  - 2 clock policy would be more beneficial to men who don't
  - 3 have all those extra requirements than they are for
  - 4 women?
  - 5 A. Well, for women there is maternity leave. So
  - 6 that's a benefit only accessible to women, and so I'm --
  - 7 could you repeat the question?
  - 8 Q. Sure. We're really talking about the stop-
  - 9 the-clock policy --
  - 10 A. Right.
  - 11 Q. -- how that helps or relatively helps, in
  - 12 equitable terms, men and women faculty members during
  - 13 the six-year probation. And so the question is: Do you
  - 14 understand that women might not have the same level --
  - 15 well, might have less equitable enjoyment or benefits
  - 16 from the stop-the-clock policy than men because women
  - 17 are actually experiencing all of the possible negatives
  - 18 that we already went through of actually going through
  - 19 the birthing and giving birth and rearing children, that
  - 20 men don't, while they're having their probationary
  - 21 extension?
  - 22 A. I -- I can't speak to the specific impacts
  - 23 on -- on faculty.
  - Q. And that's because you're not aware -- you
  - 25 didn't do any studies; and you're not aware of UT doing

21

1 any studies on that issue, correct?

A. Correct.

2

- 3 Q. Despite the fact that all of the things we
- 4 went through about women having those issues with
- pregnancy, birth, and childrearing were all known to you 5
- and to UT during the time that you were the president 7
- and prior to that?
  - A. Well, we did not -- I can't recall it being --
- 9 I can't recall it being studied nor do I recall it ever
- 10 being raised as an issue in faculty promotion cases.
- 11 MR. NOTZON: Object as nonresponsive.
- 12 Q. (BY MR. NOTZON) My question is: You
- 13 understand it wasn't studied; but you also understand
- that all of those issues we went through, listing what 14
- women go through that men don't in terms of childcare,
- were known, notorious as it were, to you and to UT 16
- 17 during that period of time?
- 18 MR. DOWER: Objection, form.
- A. We did not -- it was never raised as an issue, 19
- 20 and we did not conduct a study on it.
- 21 MR. NOTZON: I didn't -- object as
- 22 nonresponsive.
- 23 Q. (BY MR. NOTZON) I didn't ask if it was raised
- 24 as an issue in this question. I'm asking that a study
- wasn't done even though those were known issues?

- 1 of academia?
  - 2 A. We -- yes, we regularly look at what peer-
  - comparable universities are doing.
  - Q. And that's how UT came to have the stop-the-
  - 5 clock policy, correct?
    - A. In part, yes.
  - 7 Q. And that's how UT went to an additional second
  - 8 year?

6

- 9 A. In part, yes.
- 10 Q. Okay. And the way that you and other
- universities go about doing that is keeping your finger
- 12 on the pulse of studies that are happening and being
- conducted around the country and around the world? 13
- 14 MR. DOWER: Objection, form.
  - A. I can't speak to what other universities are
- doing. 16

15

- 17 Q (BY MR. NOTZON) Speak to what you do then.
- 18 A. We are -- we keep aware of what our peer
- universities are doing, and my recollection is that 19
- other universities with stop-the-clock policies were 20
- 21 applied to males and females.
- 22 Q. And is it your testimony that there were no
- studies that were conducted at any time prior to you
- leaving UT that looked into the lack of equity or the
- disparity of equity between men and women in the stop-

MR. DOWER: Objection, form.

- 2 A. A study was not done. It was not raised as an
- issue for either among the faculty or among the 3
- administration. 4

1

- Q (BY MR. NOTZON) Well, let me ask it a 5
- 6 different way then. I still don't think you're
- answering my question.
- 8 Would it be accurate that -- well, are
- you denying knowing all the things we went through that
- women go through in birth and childcare during the time 10
- 11 that you were president and before that?
- A. I -- so I'm not denying I knew it as -- as 12
- dean, provost, and president. It was never raised as an 13
- issue, that it got to me, that it needed to be 14
- addressed. 15
- 16 Q. Okay. As you sit here and think about it now,
- do you think that would be a good idea, to look at the 17
- equities of that policy as it applies to males and 18
- females and whether or not it's an actual equitable 19
- 20 policy so that both women and men enjoy the benefit
- 21 equitably?
- 22 A. I can't say that now because, again, it had
- never been raised as an issue; and so I can't say that. 23
- 24 Q. Is part of your role as president and an
- 25 administrator to be aware of best practices in the field

the-clock policy? 1

23

- 2 MR. DOWER: Objection, form.
- 3 A. Sitting here today, I cannot recall any -- any
- 4 studies.
- Q (BY MR. NOTZON) Okay. Because, just because 5
- or just -- if no particular faculty member complained or
- raised the issue of a lack of equity or a potential
- negative impact on women that men don't have in the
- stop-the-clock policy, that wouldn't be the end of the
- inquiry for UT; they would also want to keep in mind
- 11 what is going on in studies that are being done across
- the world, correct?
- 13 A. That's a very general question. We would
- 14 generally want to be aware of what's happening. There
- 15 have been a lot of studies on gender equity at UT
- related to many factors -- a number of factors. This
- factor was never raised through faculty committees 17
- 18 through the Gender Equity Council as an issue.
- 19 Q. Okav.
- 20 A. That I'm aware of.
- 21 (Faint background speaking.)
  - MR. NOTZON: And I apologize that there
- 23 was -- my phone's answering machine, was that audible to
- vou auvs?

22

25 MR. DOWER: Yeah.

20

26

1 MR. NOTZON: Sorry. Let me try to change

2 that.

4

8

3 (Momentary pause.)

Q. (BY MR. NOTZON) On the gender equity studies

5 that you did or that you're aware of, Dr. Fenves, were

6 those conducted while you were the dean, the provost,

7 the president or all of the above?

A. All of the above.

9 Q. Okay. Were you responsible for the -- those

10 gender equity studies being done?

11 A. So once I became provost, most of that work

12 was done in the Office of the Provost.

13 Q. Okay. And those would have been university

14 wide?

A. Correct.

16 Q. Okay. Were they -- so they weren't done prior

17 to you being provost?

18 A. No, they were done. In fact, soon after I got

19 there as dean -- I can't remember if it was 2008; it was

20 probably 2009 -- there was a major report on gender

21 equity at UT. And I remember I spoke with a panel that

22 we had for faculty about it.

23 Q. Okay. So prior to that time, there hadn't

24 been any gender studies that you're aware of?

A. I can't speak to what happened prior to 2008.

1 recruitment of engineering facul- -- women faculty in

2 engineering. They had been severely underrepresented;

3 and I think we made good progress, which continued after

28

29

4 I was dean. And that is still work to be done.

5 Q. Okay. And then back to my question: Were

6 there any areas that persisted to be disparate that

7 weren't improving during that period of time?

A. I don't recall any.

Q. What about retention and promotion?

10 A. So we paid a lot of attention to retention,

11 especially for faculty that were underrepresented,

12 including women. Rates of promotion, I don't recall if

13 there was any -- again, this is going back a number of

14 years. I don't recall that there was any concern about

15 rates of promotion.

16 Q. Okay. If -- did -- do you recall that the

17 studies were showing that the rates of promotion for men

18 and women were about the same?

19 A. I -- I can't recall.

Q. Okay. And when I say "promotion," I'm

21 specifically talking about from tenure track to tenure.

22 A. Yeah, I can't -- I don't recall.

23 Q. Okay. And the -- the historic existence of

24 gender inequity in engineering was known to you and

25 experienced by you; is that correct?

Q. Okay. So part of the study that was done that

2 you first were aware of at UT didn't reference the

3 successes or the trends from prior studies?

4 A. This was in 2008 or 2009. I don't recall.

Q. Okay. And did you -- from the time that you

6 got there in 2008 until the time that you left in 2020,

7 did you see any progress in the gender equity issues?

A. Yes.

5

8

Q. And let's -- let's focus on engineering and

10 not the university as a whole. Do you have any -- did

11 you witness any benefits to gender equity issues in

12 engineering?

13 A. Yes.

14 Q. And what benefits did you see?

15 A. Reducing inequities in salary, appointing

16 women faculty to endowed chair positions, and appointing

17 women to leadership roles within the College of

18 Engineering.

19 Q. And were there any persistent disparities that

20 had not been successfully altered?

21 A. Well, the long-term trend was to -- I'm sorry?

22 Q. Still focusing just on engineering.

23 A. Engineering, yes, on engineering. So the

24 other -- well, I did leave one out, an important thing.

5 We significantly increased, while I was dean, the

1 A. That is correct.

27

Q. Did you do any studies or focus on any studies

3 related to gender inequities in engineering when you

4 were the dean?

A. So as part of the gender equity report that

6 came out in 2009, we -- this is my recollection sitting

7 here now, nearly 12 years later -- part of that action

8 was to conduct studies on salary equity, which I recall

9 we did, and addressed where there were inequities in

10 salary; and that was the primary study that I'm certain

11 we undertook at that time.

12 Q. Okay. Would you agree that at the time you

13 left UT, that there was still disparities, even though

14 you recall that there were decreased disparities over

15 the period of time from 2008 to 2020?

16 MR. DOWER: Objection, form.

17 A. No, I don't agree with that.

Q (BY MR. NOTZON) So there's no more disparity

19 between men and women in engineering salaries?

20 A. So -- so I can't speak to what the exact state

21 is; but as president and the provost under -- that

22 worked for me, we formed -- I can't remember the exact

23 name. Gender Equity Council was the term I generally24 used. They did a very thorough statistic salary [sic.]

25 The University broke it down by schools, and my general

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1 recollection of that conclusion is that -- that

- 2 assistant professor and associate professor ranks,
- 3 that -- statistically, that we had substantially
- 4 eliminated salary inequities; and that is my
- 5 recollection at this time.
- 6 Q. Okay. What about in the numbers of faculty
- 7 being hired, was that inequity or disparity eliminated
- 8 in engineering?
- 9 A. Well, engineering -- well, it depends on how
- 10 you define "equity in hiring." The percentage of women
- 11 faculty that were hired, like I said, while I was dean,
- 12 increased substantially compared to the previous
- 13 five-year period before I was dean. And I believe the
- 14 current dean and the department leaders have continued
- 15 to make progress; but across the school, it's not 50/50.
- 16 Q. Okay. So that has not been eliminated?
- 17 A. There are still -- the distribution is still
- 18 not 50/50.
- 19 Q. Okay. And that would -- that would carry on
- 20 through the promotion to tenure because if you're not in
- 21 the door, you can't get to tenure until you get in the
- 22 door, correct?
- 23 A. I'd like to clarify your question. What would
- 24 carry on?
- 25 Q. The lack of 50/50, the disparity that, still,

- 1 A. So recruitment, we had substantial changes in
  - 2 the faculty search process while I was dean.
    - 3 Q. How did that work?
    - A. Well, it was -- it was several points. First
  - 5 of all, the position -- when there was an authorization
  - 6 to a department to recruit, it had to be based on a
  - 7 position description that was broad enough that it would
  - 8 be attractive to a wider range of candidates so that we
  - 9 would be looking at a larger pool.
  - 10 The second is that we had requirements on
  - 11 diverse representation within the search committee. We
  - 12 had required training search committee chairs on
  - 13 unconscious bias in the search process. We had some
  - 14 expectations of proactive recruitment for faculty who
  - 15 were traditionally underrepresented in engineering,
  - 16 including women.
  - 17 Then we had a requirement that the --
  - 18 typically the Departments would propose three finalists,
  - 19 faculty candidates, for a position. Those had to be
  - 20 approved by the Dean's Office; and there was a
  - 21 requirement that one -- at least one of the three be an
  - 22 underrepresented -- a qualified, competitive candidate
  - 23 who has been traditionally underrepresented in
  - 24 engineering, including women, unless there was a well-
  - 25 justified extenuating circumstance.

1 there's more men than women that are present being

- 2 hired; and, therefore, there's got to be more men than
- 3 women making it to tenure?
- 4 A. That's correct.
- 5 Q. And even if the promotion rate of going from
- 6 assistant to associate, from tenure track to tenure, for
- 7 men and the same percentage for women, because the
- 8 number of men is higher, the number of promoted men will
- 9 be higher than the number of promoted women, correct?
- 10 A. Correct.
- 11 Q. Would you agree that UT, while you were the
- 12 dean and the provost and the president, that you, as an
- 13 administrator, had a duty to try to work on and
- 14 eliminate the gender disparities in the engineering
- 15 faculty?
- 16 A. I believe we had a duty, and we made progress
- 17 in the gender equity issues that were identified through
- 18 the processes that we had.
- 19 Q. Okay. And what efforts did you make to reduce
- 20 the disparities besides conducting these studies to see
- 21 how you were doing?
- 22 A. Well, it depends on which disparity that
- 23 you're asking about.
- 24 Q. Let's talk about recruitment, salary, and
- 25 promotion.

1 And so the result of that, while I was

- 2 dean -- I don't have the exact statistics in front of
- 3 me -- the percentage of women who were hired as
- 4 assistant professors was significantly greater than --
- 5 over a five-year period than the previous five years
- 6 before I became dean.
- 7 Q. And I think I understand you actually were the
- 8 dean when Dr. Nikolova was hired?
- A. That's my understanding. I don't recall her
- 10 hiring, but we hired a lot of faculty. I don't recall
- 11 her specifically being hired.
- 12 Q. Okay. Do you recall that she came from A&M?
- 13 A. Well. I know that now.
- 14 Q. Okav.
- 15 A. I don't recall if I knew it at the time.
- 16 Certainly, if I -- so, typically, I didn't always; but I
- 17 did interview all faculty candidates if the schedule
- 18 permitted. I can't recall if I interviewed her; but I
- 19 certainly -- if I had, I certainly would have seen her
- 20 CV at the time I interviewed her and seen her record.
- 21 Q. Okay. And so, sitting here today, you don't
- 22 recall if you interviewed her or you don't recall the --
- 23 and salary negotiations, anything like that, any of 24 those details?
- 25 A. Those are two different things. So I don't

1 recall interviewing her. I would not have been involved

- 2 in the salary negotiations.
- 3 Q. Oh, okay. Who would be doing that?
  - A. That's primarily the department chair who
- negotiates the salary and gets approval by the associate 5
- 6

4

- 7 Q. And who was the associate dean in 2013?
- 8 A. That would be Dr. Jerry Speitel.
- 9 Q. Okay. So he's been the associate dean for a
- 10 while?
- 11 A. I appointed him as associate dean when I came
- 12 in as dean in 2008.
- Q. Okay. What was he doing before that? 13
- 14 A. He was the Chair of the Department of Civil,
- 15 Architectural and Environmental Engineering.
- 16 Q. Okay. Did you know him from your time back in
- the Eighties? 17
- 18 A. Well, it was 20 years earlier. We were all
- 19 younger then, so I knew who he was; but I didn't know
- 20 him.

1 else?

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correct?

associate dean.

department chair.

- Q. Okay. Did -- did he apply for a job; or did 21
- 22 you go out and select him?

be associate dean.

- 23 A. I -- well, that's an interesting question.
- 24 The short answer is I selected him.
- 25 Q. Okay. And why'd you choose him over anyone

A. I was actually -- before coming to UT as dean,

3 I was in Japan -- Kyoto, Japan and the associate dean

4 who had held the position had -- was leaving to take on

6 quickly find an associate dean. And so I talked to a

a dean position at another university and so I needed to

lot of people, got their recommendations; and there was

very strong consensus that Dr. Speitel, as a department

chair, was very highly regarded. And so I asked him to

Q. Okay. And he carried on being an associate

Q. Okay. What about the decision of when the

start, either for the Fall Semester or the next January?

Q. Okay. And you're aware of the requirement

between state universities that if the hiring decision's

made after. I think. May 1st, that there needs to be a

request made to A&M to approve starting in the fall

12 dean after you became the provost and the president,

A. Yes. As far as I know, he's still the

17 faculty, specifically Dr. Nikolova, when she would

A. I would not have been involved in that

decision. That would be a negotiation with the

- 1 versus just going ahead and not having to ask A&M for
  - 2 permission for a spring start?
    - A. So I'm not aware there is a specific agreement
  - 4 between public universities in Texas. There has been a
  - general understanding among AAU universities, American

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- Association of Universities, of that type of
- 7 notification
- 8 Q. Because you don't want to leave somebody in
- 9 the lurch?
- A. It's just generally a courtesy because you 10
- 11 plan -- by late spring you've already staffed courses
- and planned curriculum; and, yes, so to try to have a
- smooth transition between two -- two AAU universities. 14 Q. And from your memory, the decision of whether
- 15 to ask for clearance for a fall start would be on the
- department chair? So for instance --
- 17 A. So that -- so I do not know the answer to
- 18 that. I don't remember ever requesting it myself as
- dean, provost, or president. So it may -- I do not know
- if that was -- notification was done by the department
- 21 chair or the associate dean.
- 22 Q. Okay.
- 23 A. Now, it's possible the associate dean would
- 24 write a letter and I would just sign off on it; but I
- 25 have no recollection of that.

35

- Q. Okay. And the practical effect -- to revisit
  - 2 what we had talked about earlier -- if the faculty
  - member comes in in January, instead of the fall, they
  - 4 will lose that year in their probationary clock at UT?
  - A. So I -- I'll answer the question as follows:
  - 6 That year will not be included in the probationary
  - clock. And that is generally viewed as a benefit
  - because they're able to start their career at UT without
  - it counting towards the probationary clock.
  - 10 Q. It could go both ways, depending on several
  - 11 factors, correct?
  - 12 A. Again, it's generally viewed by faculty that
  - if a time at UT doesn't count towards the clock, that's
  - 14 beneficial.
  - 15 Q. So is it your testimony that most assistant
  - professors prefer to go up for tenure at the latest
  - possible time instead of the earliest possible time?
  - A. My testimony is that when a faculty member is
  - 19 coming new to the University, if they don't have to
  - count that first year as the -- on the probationary --
  - the first half year on the probationary clock, that is
  - generally viewed as a benefit, to give them options
  - 23 later in the future.
  - Q. Okay. You understand that not everybody has
  - 25 that opinion?

4

1 A. I can't -- as I said, that's my general

- 2 understanding of how it is viewed.
- 3 Q. Okay. Are you aware of anyone that has a
- 4 different opinion, that that would actually be a
- 5 detriment and not a benefit?
  - A. I'm not aware of anybody other -- I'm not
- 7 aware of anybody who had asked to count time towards the
- 8 probationary clock.
- 9 Q. Are you aware of any circumstances where
- 10 someone might view that as a detriment instead of a
- 11 benefit?

6

- 12 A. I -- I haven't thought about it. I can't
- 13 answer the question.
- 14 Q. You do know that many assistant professors
- 15 choose to go up before their six years at UT have been
- 16 met?
- 17 A. So the decision about submitting a case for a
- 18 promotion is not a faculty member's decision. It is the
- 19 Department Chair's decision about whether to prepare a
- 20 case, with advice of their Budget Council or Executive
- 21 Committee.
- 22 Q. Wouldn't it be true that no faculty member's
- 23 case would be presented for promotion without the
- 24 faculty member being behind that decision?
- 25 MR. DOWER: I don't know whether the

- 1 Let's go ahead and take a short break and -- yeah, so if
  - 2. that's also with viall
  - 2 that's okay with y'all.
  - 3 MR. DOWER: It's fine with me.
    - THE REPORTER: We're going off the record
  - 5 at 10:04 a.m.
  - 6 (Off the record from 10:04 to 10:13 a.m.)
  - 7 THE REPORTER: We're going back on the
  - 8 record at 10:13 a.m.
  - 9 Q (BY MR. NOTZON) Okay. Dr. Fenves, just a
  - 10 quick followup from a prior question. One of the things
  - 11 you mentioned was the benefits of starting in the spring
  - 12 semester and having that first year -- that first
  - 13 semester not count towards the probationary time would
  - 14 provide the faculty member with options. What kind of
  - 15 options do you see that providing a faculty member?
  - 16 A. Well, to the most -- what I think it's
  - 17 important to understand is that the six-year
  - 18 probationary period, if that's fully used and a
  - 19 promotion case is submitted, it's what we call
  - 20 informally -- I don't recall; I don't think it's in
  - 21 policy -- but it's called informally the "up-or-out
  - 22 year."

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- 23 So there's only two decisions that are
- 24 possible: Promote to associate professor with tenure or
- 25 terminal appointment, which means that they will not be

- audio caught that. Could you repeat that answer?
- A. That is correct.
- 3 MR. DOWER: Thank you.
- 4 Sorry, Robert.
- 5 MR. NOTZON: No. Thank you for
- 6 protecting the record.
- 7 Q (BY MR. NOTZON) So back to the question,
- 8 you're aware that there are multiple assistant
- 9 professors that prefer to go up sooner than later?
- 10 A. Yes.
- 11 Q. And, therefore, losing a year would be a
- 12 detriment to those individuals and not a benefit,
- 13 correct?
- 14 A. I don't see it that way; but if the Department
- 15 Chair and the Budget Council or Executive Committee
- 16 feels it is ready for promotion and meets the standards,
- 17 that -- I'm not -- I don't view it as a detriment.
- 18 Q. I understand, but I'm not asking what you view
- 19 it as. I'm asking if you understand that there are
- 20 people and circumstances that would cause them to view
- 21 losing the year as a detriment to their career?
- 22 MR. DOWER: Objection, form.
- 23 A. I can't -- I can't speculate on how faculty
- 24 view it.
- 25 MR. NOTZON: It's been about an hour.

- 1 promoted and they have a one-year terminal appointment
  - 2 before they have to leave the university. So that --
  - 3 you know, most faculty that have -- would rather not
  - 4 have that terminal -- that up-and-out-year consideration
  - 5 -- or make a decision about whether they want to acquire
  - 6 the record sufficient for promotion and go all the way
  - 7 to the end of the probationary period or they have made
  - 8 the case that meets the standards and answers the
  - 9 question "why now" if it's an early promotion and have
  - 10 that ability to do it, thus, sooner.
  - 11 The advantage, the benefit -- the reason
  - 12 I call it "benefit" is that if it's an early promotion
  - 13 under the UT Austin rules, there are three decisions
  - 14 that are possible: Promote to associate professor with
  - 15 tenure, terminal appointment -- and I can't recall ever
  - 16 an early promotion having a terminal appointment -- and
  - 17 the third is do not promote, which is not make a
  - 18 decision now, without prejudice, and review the case
  - 19 later in the probationary period.
  - 20 Q. And is there a different standard if you go up
  - 21 early versus going up at the sixth year?
  - 22 A. So the question about early promotion is we
  - 23 ask the department chairs and the deans to explain "why
  - 24 now," why is the case ripe for making this decision
  - 25 before the end of the probationary period.

Q. And so the standard you're talking about there

2 is the standard to explain "why now"?

3 A. Right.

4

7

Q. Not the standard for qualifying for tenure?

5 A. The question is: Why now? Why should we

consider the case now? Explain it, and justify it.

Q. Yeah. I'm just trying to get the answer,

though. When you say "the standard," it's not relating

to the qualifications of the professor's teaching, 9

10 research, service, et cetera?

11 A. And so we're asking, you know: Given the

12 record in teaching, research, service, awards -- all the

13 categories that we look at in a promotion case -- why is

14 this case ripe for making an affirmative decision to

promote at this time? Whereas, on an up-and-out year,

we don't ask, "Why should we be considering it now?" We 16

17 have to consider it now.

18 Q. So in explaining why early, some of the

19 factors could be their qualifications as a faculty

20

A. Let me rephrase. The only factors we look at 21

22 are their qualifications of the faculty member in any

23 promotion case.

24 Q. I think we may be talking across purposes. So

25 there's the question of to tenure or not tenure; and 42 A. So we have three choices: Promote, terminal

2 appointment -- which means, you know, that's the end of

3 their assistant professor appointment at UT -- or do not

4 promote at this time, without prejudice; and so this is

5 all related to how we answer that question for if it's

an early promotion, if it's going up before the full

probationary period. Our practice -- and it was that

way when I came as a dean in 2008 -- is to answer and

justify the question why we should consider it now; what

is it about the teaching, research, the service, and the

11 awards that we should consider the promotion decision

before the end of the probationary period.

Q. So does that mean that there is a different

14 standard for an early promotion versus one that occurs

15 at the up-or-out year?

16 A. So I disagree there's a different standard.

17 We have an expectation of what faculty should

18 accomplish. It depends on the field, the discipline,

and the department. Faculty have a progression as they

20 are proceeding in their career; and if it is just -- if

21 it is normal progress in their career, that's, alone,

22 not justification for an early promotion. There has to

23 be something that is beyond what we would expect the

24 normal process -- the normal progress in their career

25 prior to the full probationary period.

1 that would be where the faculty member's qualifications

2 in all the categories, teaching, research, service,

3 et cetera, are reviewed, correct?

A. That's correct.

5

Q. I'm asking about the "do we review the person

6 early, the explain-why-now review." Is it -- is that a

separate request from whether to tenure, or is why

tenure -- why consider for tenure now, also -- well, 8

it's the same question?

10 A. Okay. So the question we ask, why now, is

11 given the record of the faculty member in teaching,

research, service categories that we look at, why should 12

13 we consider the question of tenure at this point, as

opposed to considering the case when the full 14

15 probationary period has been used.

16 Q. So you -- it's all part of the same question

about tenure, whether or not to tenure the person? 17

18

19 Q. So the explanation for "why early review" is

not a separate question from the tenure-or-not-tenure

21

22 A. I'm trying to understand the question. The

review is: Do we -- if it's early -- we're talking 23

24 about early cases; is that correct?

25 Q. Yes, sir. 43

10

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Q. I guess let me ask it a different way. If,

2 in year five, they are at the level of promotable

3 standards -- if it had been their sixth year, but they

4 have reached that standard at year five, then that's

5 sufficient for promotion?

6 A. Not necessarily. In fact, if the -- if a dean

7 recommends a candidate for promotion in five years and

8 says -- and they get promoted next year, we don't find

9 that a compelling case for why now.

Q. I didn't understand that answer. I didn't say

that they'd be on track to meet promotion standards next

12 year, that they are -- they meet the standards now.

13 A. So that...

14 Q. Would that be sufficient?

A. If they felt that they met the standards --

16 let me rephrase that, that answer.

17 They have to answer the question: Why

18 are we considering promotion in the fifth year. If the

answer is that they have fulfilled what we expect a

professor in a normal probationary period over a six-

year period to have fulfilled, exceeded, then, yes, we 22 will consider an early promotion.

23 Q. So if they go up at year four, instead of year

24 five or six, does that mean that the level that they

25 must meet should explain that they are -- they have met

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the six-year requirements in four years?

- 2 A. That's correct. We have an expectation,
- 3 depending on the department and the field, in teaching
- 4 and research -- those are the two most important
- 5 categories -- but also service and significant awards;
- 6 and if they have acquired -- made those accomplishments,
- 7 I should say, in a shorter period, including four years,
- 8 yes, we would -- that would make -- the dean would have
- 9 to explain that in a compelling way --
- 10 Q. Okay.
- 11 A. -- for it to be considered a case for early
- 12 promotion.
- 13 Q. Are there any other factors other than the
- 14 standard teaching, research, and service that are
- 15 considered for answering the question "why early"?
- 16 A. The only other factor that I can recall ever
- 17 being considered is whether there's a retention issue,
- 18 that they're -- if they have an offer from another
- 19 university and if a dean is -- the department chair
- 20 decision are -- the department chair and the dean are
- 21 making a recommendation that we are at risk of losing
- 22 the faculty member and that their desire is to keep the
- 23 faculty member.
- 24 Q. Okay. What if it's a fear of an offer and not
- 25 an actual offer?

1 performance?

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- 2 A. Weak service. You know, we don't have high
- 3 service expectations for assistant professors. Our goal
- 4 is to have them focus on their research, building up
- 5 their research portfolio and funding, getting the papers
- 6 published in top journals, and do quality teaching. So
- 7 we generally have relatively mod- -- low -- I shouldn't
- 8 say "low" -- modest expectations for degree of service.
- So a competing offer is -- if there's a
- 10 hypothetical case with a judgment that there's modest
- 11 service, but outstanding records in the other categories
- 12 and a competing offer from a peer university, yes, would
- 13 outweigh a service record.
- 14 Q. The same question, but let's move it to
- 15 teaching scores.
- 16 A. That's a harder question to answer in general
- 17 because it would depend on the specific facts of what
- 18 the teaching record was.
- 19 Q. Is there some fungibility there?
- 20 A. Could you explain what you mean by
- 21 fungibility?
- 22 Q. Yeah. Can you kind of like give a little
- 23 here, give a little, like, their teaching scores are --
- 24 you know, they're kind of average; they're not great,
- 25 but they're not bad. But, you know, we really want to

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- A. We like to see more than just a fear. I
- 2 can't -- these discussions have -- do come up in early
- 3 promotion cases, and just a concern generally is not --
- 4 is not compelling.

1

- 5 Q. Also, wouldn't the person's performance in the
- 6 standard categories of teaching, research, service,
- 7 et cetera, wouldn't they actually have to also have met
- 8 the standard on -- on its own?
- 9 A. Yes, they would, correct.
- 10 Q. So the -- the -- you know, the standing offer
- 11 they might take wouldn't -- would have to be in addition
- 12 to meeting the tenure standards?
- 13 A. Well, it would be a factor to consider; and
- 14 again, I can't recall specific cases; but, generally,
- 15 other universities that are trying to recruit UT faculty
- 16 are seeing the same things we're seeing, a stellar
- 17 record, and are trying to recruit them. So they
- 18 generally -- someone that has an offer from a competing,
- 19 top-ranked engineering -- engineering department --
- 20 let's call it "engineering" -- they're seeing the same
- 21 thing we're seeing; and it's their compelling record
- 22 that's making them attractive to be recruited by another
- 23 university.
- 24 Q. Could that factor, having an offer from
- 25 another university, replace, say, a weak service

- 1 keep this person because they got an offer.
  - A. Again, these are holistic evaluations, we're
  - 3 looking at all the factors. There's no formula that we
  - 4 run the factors through to come up with an answer. So
  - 5 it would depend on the specific facts.
  - 6 Q. Right. So I take that as a "yes," that the
  - 7 holistic idea is there's no bright-line rule?
    - A. I will answer that: We do a holistic
  - 9 evaluation of the entire record, and there are no --
  - 10 there are no hard rules on any one factor.
  - 11 Q. Okay. Any other criteria to consider other
  - 12 than what you've already testified to in the
  - 13 consideration of someone for early tenure?
  - 14 A. So I can't recall any other significant
  - 15 factors to consider in answering the question why should
  - 16 we consider the case now for early promotion.
    - Q. Okay. Let me then ask an -- this question:
  - 18 What about prior years of assistant professor time at
  - 19 another university?

17

- 20 A. Okay. This is a very common situation. We
- 21 like to recruit the top assistant professors from other
- 22 universities. There are many advantages in doing that.
- 23 And so when we have a early promotion, according to the24 clock, the UT Austin probationary time clock and it's a
- 25 faculty member that has had prior service at a peer

Appx.0381

1 department, a peer university, we certainly look at the

- 2 whole record in rank as an assistant professor.
- 3 Q. What if it's not a peer institution?
- A. If it's not a peer institution, it depends on
- 4
- 5 what the institution is, what the department is, what
- the area is. So there are some institutions that are
- 7 not AAU members, which is a significant factor. We're
- looking at universities that are major research
- universities; but they may be very fine departments,
- top-ranked departments. And so we'll look at that as 10
- 11 a -- as a factor.
- 12 But, on the other hand, we'll have some
- 13 faculty that begin their career in primarily -- at
- 14 universities that are primarily focused on teaching,
- have not been able to assemble a research record because
- that wasn't the focus of their previous position; and so 16
- 17 we will generally not give much weight in a situation
- 18 like that.
- 19 Q. And, I guess, what's your definition of a peer
- 20 institution? And you kind of were saying things that
- indicate what that is. 21
- 22 A. Yeah, it's -- again, we have no definition;
- 23 but indications of a peer institution: The university's
- 24 a member of the Association of American Universities,
- AAU. If it's in the field of engineering, it's a top 10

- 1 guestion. So the disparity that we had previously
  - 2 talked about was in the percentage of women faculty, as
  - 3 you -- as you pointed out correctly. The promotion and
  - 4 tenure process doesn't -- doesn't change that. The
  - 5 question is disparity in rates of promotion and success
  - to promotion. Can I ask you if that's your question?
  - 7 Q. Yes, sir.
  - 8 A. Okay. So in -- if are there -- so, first of
  - all, I don't recall we had significant disparities in
  - rates of promotion. Again, this is a number of years
  - ago; but I don't recall it as a significant factor.
  - 12 In terms of promotion for women faculty,
  - 13 we did ask department chairs to make sure that there
  - was -- there was mentoring for underrepresented faculty,
  - particularly women -- including women, I should say --
  - to help them -- you know, help them understand how to be
  - 17 successful as an assistant professor.
  - 18 Q. Okay. Anything else that you did to try to
  - 19 increase the number of women with tenure at UT in
  - 20 engineering?
  - 21 A. So --
  - 22 MR. DOWER: Objection, form.
  - 23 A. -- the first step was to recruit more women
  - 24 into engineering. That was the first thing we did.
  - 25 Q. (BY MR. NOTZON) Right. Anything else? So

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- 1 or top 15 department because that's -- our UT Austin
- 2 school is in that category. And so those are general
- 3 indications of what we would consider a peer institution
- 4 for the purpose of considering the assistant professor
- 5 record in teaching and primarily research and service in
- 6 a promotion case at UT Austin.
- 7 Q. So an institution could be a research
- institution but not in the top 10 or 15, it would not be 8
- considered a peer institution or a peer department?
- A. It would not be weighted as highly. I mean, 10
- 11 this is not a yes/no answer. It depends on the
- department, it depends on the university, and it also 12
- 13 depends on the record.
- 14 Q. The individual's record?
- 15 A. The individual's record.
- 16 Q. Okay. Now, moving on, you gave us the list of
- 17 things that you recall doing to increase recruitment of
- underrepresented persons, which would include women, in 18
- 19 engineering.

24

- 20 Can you tell me what -- in the other
- 21 category of promotion, what you have done to try to
- increase the female, specifically, promotion to tenure
- 23 and to eliminate that disparity that has been experienced in engineering historically?
- 25 A. Oh, but -- so I'd like to clarify the

- 1 recruitment, mentoring?
  - A. Well, my -- my recollection is that it was
  - generally viewed as the stop-the-clock policies,
  - 4 including adding a second year to the stop-the-clock
  - policy. The -- making sure that the stop-the-clock
  - policies were really used and considered in the
  - promotion and tenure process. I think that was
  - generally viewed as positive factors to support the
  - promotion in women faculty.
    - Q. Anything else?
  - 11 A. That's all I can recall at this time.
  - 12 Q. Was there any effort to try to ensure the
  - 13 absence of bias in the promotion process against women?
  - 14 A. I can't recall anything specifically; but we
  - 15 did do unconscious bias training for Search Committee
  - chairs and some departments, I believe, did it for all
  - Search Committee members. We did have an expectation
  - that that was a responsibility of department chairs in
  - their work in promotion-and-tenure decisions to be
  - sensitive to bias in decision-making.
  - 21 Q. I understood from your prior answer about
  - 22 recruitment that the bias -- unconscious bias training
  - 23 of the Search Committee chairs was done; but I'm
  - 24 specifically asking about the promotion part, the
  - promotion review and consideration and decision. So are

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1 there any bias trainings that were implemented for those

- 2 people?
- 3 A. I don't -- I don't recall. I don't believe
- 4 so, but I don't recall.
- 5 Q. And that would -- so in engineering, the
- 6 people that sit on the Budget Council in the department
- 7 that are reviewing faculty members', assistant
- 8 professors' dossiers for promotion are going to be
- 9 greatly majority men, correct?
- 10 A. The Budget Council is composed of all full
- 11 professors in the department, so that is correct.
- 12 Q. Right. Because the history would still be
- 13 present that there's a small number of women compared to
- 14 men because that's the way the history went?
- 15 A. Correct.
- 16 Q. And would that carry on to the College
- 17 Promotion and Tenure Committee? Would that also be male
- 18 dominant?
- 19 A. Well, so that I can't answer. As -- when I
- 20 was dean, while we appointed -- and now I can't recall
- 21 the process that the P&T members, committee members were
- 22 appointed -- I did try to have diversity on the P&T
- 23 Committee as dean.
- 24 Q. Okay. So you could add that to your list of
- 25 things you did to try to eliminate or decrease the

1 P&T Committee. I can't remember if that was every year.

- Q. At least one?
- 3 A. My recollection is at least one.
- Q. And would your recollection also be it was
- 5 never half or more?
  - A. That is correct.
- 7 Q. Okay. Let's go ahead and talk about in your
- 8 role as president and the President's Committee in the
- 9 promotion review process. What about that? Did you do
- 10 anything to try to eliminate bias against women in that
- 11 committee?
- 12 A. So the membership of the President's Committee
- 13 is determined by the handbook of operating procedures,
- 14 so it's by position, administrative position. So as
- 15 president, I appointed the first woman provost in the
- 16 history of the university. So aside from her
- 17 outstanding accomplishments as a scholar and academic
- 18 leader, the provost brought -- brought that diversity.
- 19 And we -- as the President's Committee, we did not do
- 20 any formal training; but as university leaders, we were
- 21 all very cognizant of the concerns about unconscious
- 22 bias. And so we did not do formal training, but we
- 23 certainly -- each individual was very aware of being --
- 24 being concerned and watchful for unconscious bias in the
- decision-making process leading up to the presentation

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- 1 potential for bias in the promotion process?
- 2 A. Yes.
- 3 Q. "Yes" or "no"?
- 4 A. Yes.
- 5 Q. And so that would be you deciding who's going
- 6 to be on your committee and trying to increase the
- 7 number of women on the committee, remnant, I guess, in
- 8 other underrepresented categories?
- 9 A. I do not recall the process for appointment
- 10 to the school P&T Committee. I believe they were
- 11 nominate- -- each department had one representative and
- 12 I believe they were nominated or selected by department
- 13 chairs, but I did work with department chairs to make
- 14 sure that we had some representation of underrepresented
- 15 faculty in the P&T Committee.
- 16 Q. So that was a request you made. You couldn't
- 17 require them to determine who the chair is going to
- 18 pick?
- 19 A. It was a request from the dean to the chair,
- 20 that's correct.
- 21 Q. Okay. And did that -- did those requests
- 22 work? Do you recall what your -- the makeup of your P&T
- 23 Committees were?
- 24 A. So, again, this is going back to 2013 and
- 25 earlier. I -- I do recall having -- having women on the

1 to the University and to the President's Committee in

- 2 our deliberations.
- Q. So let me follow up a little bit. How many
- 4 people are on that committee, the President's Committee?
- 5 A. So the President's Committee is the President,
- 6 the Executive Vice President and Provost -- so I guess
- 7 somebody will have to do the counting -- Executive Vice
- 8 President and Provost, the Dean of the Graduate School,
- 9 the Dean of Undergraduate Studies, and the Vice
- 10 President for Research.
- 11 Q. Okay. That's five.
- 12 A. I think I got everybody, five.
- 13 Q. Okay. And while you were the president, how
- 14 many of those were women?
- 15 A. So while I was President, the provost was
- 16 there -- well, the first year, I had an Interim Provost
- 17 who was a woman; and then I appointed the permanent
- 18 Provost. So all five years the Provost was a woman.
- 19 The Vice President for Research -- so I think that was
- 20 the only woman on the committee.
- 21 Q. Okay. And would you agree that simply being
- 22 a woman does not mandate that there would be no
- 23 decision -- there would -- just because a person is a

woman doesn't mean that they can't or won't discriminate

25 against women?

Appx.0383

1 A. I think as a general proposition that's true.

- 2 Q. Okay. And just to clarify, no one -- as far
- 3 as you're aware, no one on the P&T Committee, the Dean,
- 4 the President, or the members of the President's
- 5 Committee were required to take unconscious bias
- 6 training?
- 7 A. That is my recollection, did not have it as a
- 8 requirement.
- 9 Q. During the time that you were the dean, the
- 10 provost, and the president, do you recall any complaints
- 11 of gender discrimination in your -- in the engineering
- 12 department or the engineering college, besides --
- 13 besides Dr. Nikolova?
- 14 A. Dr. Nikolova. I don't recall anything
- 15 specific, but it's -- there were tenure denials and
- 16 those were often -- those would -- well, I shouldn't say
- 17 often. There would be in some cases a CCAFR report, and
- 18 I can't remember any specifics of those cases. So I
- 19 can't say it didn't happen.
- 20 Q. Okay.
- 21 A. I just can't remember it.
- 22 Q. Do you remember if there were any lawsuits
- 23 regarding gender discrimination or retaliation when --
- 24 stemming from a gender discrimination complaint when you
- 25 were the dean, the provost, or the president?

- 1 involvement in that case.
  - 2 Q. Okay. Any involvement or alleged involvement,

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- 3 let's say?
- 4 A. I don't recall any.
- 5 Q. So the -- the promotion process that you're
- 6 aware of involves the preparation of a dossier, voting
- 7 by the Budget Council at the department level, a
- 8 write-up, an assessment from the Chair, a consideration
- 9 by the P&T Committee for the college, and the Dean
- 10 participating in that -- or being present for that
- 11 discussion, correct?
- 12 A. Correct.

13

- MR. DOWER: Objection, form.
- 14 Q (BY MR. NOTZON) And then the Dean writing up
- 15 the Dean's assessment, which includes the Dean's
- 16 personal assessment -- or professional assessment and a
- 17 conveyance of what the P&T Committee -- the basis of
- 18 their vote, without calling out names, but providing the
- 19 President and the President's Committee an understanding
- of what the basis of the vote was; is that correct?
- 21 MR. DOWER: Objection, form.
- 22 A. The -- the Dean is expected to convey their
- 23 professional evaluation and recommendation on the case
- 24 and -- informed by the P&T discussion and the P&T vote
- 25 and significant factors that were raised during the P&T

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- A. There were quite a few lawsuits against the
- 2 university. I can't remember -- I don't recall any
- 3 having to do with the promotion process itself.
- 4 Q. Okay. And gender based?
- 5 A. I don't recall any.
- 6 Q. Do you recall a faculty member named Pigony
- 7 (PHONETICALLY SPELLED)?
  - A. The name sounds familiar.
- 9 Q. Do you remember that she had a lawsuit?
- 10 A. I don't remember the -- now that you mention
- 11 it, as I said, I don't -- now, I do remember, yes.
- 12 Q. Okay.

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- 13 A. I don't remember the specifics of it.
- 14 Q. Okay. Do you remember that she had a trial?
- 15 A. I don't recall that.
- 16 Q. Do you remember that she -- the jury found
- 17 that UT had retaliated against her?
- 18 MR. DOWER: Objection, form.
- 19 A. I don't recall that.
- 20 Q (BY MR. NOTZON) Okay. Do you recall what
- 21 college she was in?
- 22 A. No.
- 23 Q. Did you have any role to play in that -- in
- 24 the allegations that she was making against UT?
- 25 A. Sitting here today, I don't recall having any

1 deliberation.

- 2 Q. (BY MR. NOTZON) Okay. And is the Dean
- 3 expected to write those up in the Dean's assessment?
- 4 A. Yes.
- 5 Q. And is the Dean also a participant in the
- 6 discussions of the President's Committee?
- A. So the Dean presents to the President's
- 8 Committee, and there may be questions and discussion.
- 9 So that's -- that's the best way to characterize it.
- 10 Q. Okay. So it could be just the written
- 11 assessment from the Dean or it could be the written
- 12 assessment and a verbal presentation and answering of
- 13 questions?
- 14 A. The answer is yes, and the process that we
- 15 followed did change while I was President.
- 16 Q. And what -- what did it used to be; and what
- 17 did you change it to?
  - A. So at the time I was Dean, Provost and the
- 19 time I became President, the Dean was -- would schedule
- 20 a hearing -- I don't know if that's the official word we
- 21 used -- but we scheduled a meeting with the Dean and the
- 22 full President's Committee. And the Dean would then
- 23 present each case one at a time; and then after case,24 we'd have a presentation, discussion, and then generally
- 25 a deliberation among the President's Committee with the

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1 Dean present.

- 2 We changed it to a two-step procedure
- 3 that the -- since we had the Dean's recommendations, the
- President's Committee would meet without the Dean to
- 5 determine which cases we could make a decision to
- promote without the presence of the Dean.
- 7 Q. Okay. An efficiency move?
  - A. It was an efficiency move, a time so we could
- 9 focus a discussion on the cases where we needed
- 10 discussion, as opposed to spending times on the cases
- 11 where the written record, the dossier, was so clear that
- 12 promotion was warranted. And so then we would notify
- 13 the Dean about which cases they should be prepared to
- discuss. And then we would schedule that second meeting 14
- 15 for that school with the Dean and go through the same
- 16 procedure, have them present the case; and then there
- 17 would be questions and discussion.
- 18 The second change we made is that we did
- do the deliberations of our discussion at the university 19
- as the President's Committee without the Dean being 20
- 21 present.

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- 22 Q. Okay. And why did you do it that way? Why
- 23 did you eliminate the Dean's participation from the
- 24
- 25 A. We felt we could have more open discussions

- not promote, then we had a -- there was a thorough
  - debrief with the Dean the reasons for that between the
  - Provost and -- generally the Provost.
    - Q. Did that ever happen while you were president?

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- 5 A. Did what ever happen?
  - Q. Where the Dean said promote and you said no?
- 7 A. The Dean said promote and I said no. I can --
- 8 I think in my last year as president -- the Dean said
- promote and we said no. So I can't remember a specific
- one, but I -- it happened. I can't remember a specific
- case, but I believe it has happened.
- 12 Q. Do you remember what school that was in?
  - A. I don't.
- 14 Q. What college?
- 15 A. I don't. I'd have to -- I'd have to go back
- 16 through the records.
- 17 So I'd like to put a little context. At
- 18 the time I served on the University Committee as Provost
- to President, I reviewed over 800 cases. By the time I
- was President I made decisions on 600 or so, more than 20
- 600 cases; so I'm just not recalling the specifics of
- 22 many -- of cases.
- 23 Q. Okay. And, yeah, just to clarify, as the
- Provost and the President, you would have been on the
- President's Committee in both roles?

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- 1 among the President's Committee without the Dean being
- present after we had heard from the Dean.
- Q. And after the decision is made, isn't the Dean 3
- responsible for conveying that decision to the 5 candidate?

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- 6 A. That's correct in all cases.
- Q. And doesn't the Dean not being present reduce
- the effectiveness of the Dean's ability to convey the
- reasons why the candidate -- if promotion to tenure was
- denied, doesn't that inhibit their ability or decrease 10
- 11 their ability to convey the reasons to the candidate?
- A. No, because what we did is in cases -- there 12
- 13 are two types of cases in that situation, the first is
- 14 the Dean recommending do not promote or terminal
- appointment; and so in that case, the Committee is 15
- either -- if we accept that recommendation by the Dean, 16
- generally the Dean's reasoning -- they're supporting the 17
- Dean's reasoning for it. If there's any additional 18
- information beyond that, that was conveyed directly to 19
- 20 the Dean generally by the Provost but in some cases by
- 21 the Vice Provost for Faculty affairs.
- 22 If the Committee -- the President's
- Committee is overruling the Dean's decision, where the 23
- 24 Dean is recommending to promote and the University
- Committee, the President's Committee decision is to do

A. Correct. 1

- Q. Okay. And do you recall at any time while you
- were the Provost or the President that the President
- made a decision that was contrary to the remainder of
- the Committee, the President's Committee?
- 6 A. In the policy of the University HOP, the
- President makes the decision. The President's Committee
- is advisory -- the members of the President's Committee
- are advisory to the President. So the Committee, it
- doesn't make a decision; it's the President who makes
- 11 the decision.
- 12 Q. Okay. So altering my question slightly, did
- 13 the President ever make a decision that appeared to run
- counter to the advice of the remainder of the 14
- 15 President's Committee?
- 16 A. The remainder. Can you clarify what you mean
- by "remainder"? 17
- 18 Q. The non-presidents.
- 19 A. So the -- my predecessor's practice and my
- practice was to poll each member of the President's
- Committee. These are not votes. I'm polling them on
- their recommendation. They were being polled on their
- recommendation to the President. And they weren't
- always unanimous. Sometimes there was some disagreement
- on whether the case should be promoted or not.

1 Q. Okay. Then one more time: Did you recall

- 2 that the President ever decided contrary to the majority
- 3 of the poll that was taken?
- 4 A. Yes.
- 5 Q. Okay. And did you do that as President?
- 6 A. Yes.
- 7 Q. And did you do that with the result of tenure
- 8 being granted and denied or -- or just one or the other?
- 9 A. So that's a different question. So the --
- 10 what I recall in the decision was a decision from
- 11 promotion to associate professor to professor, where my
- 12 decision --
- 13 Q. That's okay. I don't need to hear about that.
- 14 Let's just focus on --
- 15 A. A tenure decision.
- 16 Q. Assistant to associate.
- 17 A. Assistant to associate. I can't recall.
- 18 Q. Okay. Now, the only -- the President's
- 19 Committee consideration and decision is the only part of
- 20 the process that's not written; is that correct? The
- 21 only part of the promotion to tenure decision that's not
- 22 written; is that correct?
- 23 A. Well, there's a written decision; but there is
- 24 no written minute or record of the basis for that
- 25 decision.

- 1 in 2008, and I never felt that there was a reason to
  - 2 modify the process or the policies.
  - 3 Q. Why not?
  - 4 A. Because my feeling was that it was working --
  - 5 working well.
  - 6 Q. And what was the benefit of not putting it in
  - 7 writing?
  - 8 A. I don't know if there was a particular
  - 9 benefit. It was working well, and I didn't feel a need
  - 10 to change.
  - 11 Q. Slavery used to work; but it changed, didn't
  - 12 it?

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- MR. DOWER: Objection, form.
- 14 A. We're talking about personnel decisions of
- 15 faculty members, and the process seemed to be working
- 16 well.
- 17 Q. (BY MR. NOTZON) There used to not be a stop-
- 18 the-clock policy; but that changed, correct?
- 19 A. It did, yeah. Yeah.
  - Q. There used to be -- there used to not be a
- 21 anti-discrimination law; but then there was one,
- 22 correct?
- A. Correct, and we made sure we followed the law.
- Q. So just because that's the way it was done in
- 25 the past and not putting it in writing doesn't mean

Q. Okay. And there's also no -- well, strike

- 2 that.
- 3 And it's -- you understand that not
- 4 having a written decision allows for -- well, it does
- 5 not allow for people outside of the process to know what
- 6 happened historically, correct?
- 7 A. It does not allow.
- 8 Q. Does not allow. So because the discussion and
- 9 the reasoning for the decision is not put in writing, no
- 10 one can look back on that decision to know the reasoning
- 11 for that decision with certainty?
- 12 A. There's no written decision. The reasons for
- 13 a decision that would be contrary to the Dean's
- 14 recommendation are conveyed orally to the Dean.
- 15 Q. And the only way to know what was conveyed to
- 16 the Dean would be the Dean and the person that told the
- 17 Dean; but that would not necessarily be the same thing
- 18 that was discussed in the President's Committee,
- 19 correct?
- 20 A. The Provost -- and I think the general
- 21 practice was the Provost conveyed it to the Dean and
- 22 relied on the Provost to accurately convey the reasoning
- 23 of the final decision.
- Q. Okay. Why not just put that in writing?
- 25 A. The -- this was the process when I got to UT

- 1 that's a reason to keep doing it, correct?
  - 2 A. There was no -- there was no -- there was no
  - 3 reason to consider a change.
  - 4 Q. Is one of the benefits of not putting it in
  - 5 writing that there is some ability to avoid a historical
  - 6 pinning down of the reason?
  - A. I didn't view it that way. I viewed it as a
  - 8 process that was working well, and there wasn't a need
  - 9 for a change.
  - 10 Q. Does it allow for -- not putting it in
  - 11 writing, does it allow for some -- the ability to have a
  - 12 more gray understanding of what the reasonings were?
  - 13 A. I think we -- we had clear understandings
  - 14 among the President's Committee, and the Provost's
  - 15 responsibility was to convey that to the Dean.
  - 16 Q. When you say it was working not to put it in
  - 17 writing, what was the reason for doing it verbally
  - 18 instead of in writing?
  - 19 A. The reasons for -- so this was the process. I
  - 20 don't know when it began, but it certainly was the
  - 21 existing process when I became Dean in 2008.
  - 22 Q. So the --
  - 23 A. I don't know the original reasons, but that's
  - 24 the procedure that was established.
  - 25 Q. So the only reason that you can provide us

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1 today is that's the way it was done?

- 2 A. That's the way it was done, and I didn't see a
- 3 need for a change while I was president.
- 4 Q. Do you see any benefits to not putting it in
- 5 writing?
- 6 A. I -- I don't -- any benefits? I don't --
- 7 it's -- I don't see -- I don't see benefits or
- B necessarily a down side. It was a procedure that had
- 9 existed at UT prior to 2008, and I didn't see a need for
- 10 a change while I was president.
- 11 Q. Well, weren't there requests to put it in
- 12 writing that were made repeatedly?
- 13 A. There were requests. I remember it was either
- 14 my last -- either my last year or my second-to-last year
- 15 as president. This was a discussion that came up in one
- 16 of the panels that we would have regularly with the
- 17 University Committee panels with faculty department
- 18 chairs and deans, and it's possible it came up at one of
- 19 the monthly Faculty Council meetings; but I don't
- 20 remember, again, in that timeframe. That was a long
- 21 time, that I recall.
- 22 Q. And was your response the same to them as it
- 23 is to me, that if it ain't broke, don't fix it?
- 24 A. I don't recall the specifics of what I said in
- 25 one or two of those forums, but it probably would have

1 that's a -- that should be the process for any decision

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- 2 by a president of a university, what is the best
- 3 interest of the university, to support the roles and
- 4 missions of the university. That's separate whether
- 5 those decisions are in writing or not.
  - Q. I agree. So why not put it in writing?
  - MR. DOWER: Objection, form.
- 8 A. This is a process that existed prior to 2008,
- 9 and I did not see a need to change the process.
- 10 Q. (BY MR. NOTZON) Does the process of not
- 11 putting the basis for the President's decision in
- 12 writing protect the University from potential liability
- 13 in litigation such as this?
- 14 A. I never consulted with General Counsel on that
- 15 question.
- 16 MR. DOWER: I'm going to instruct the
- 17 witness not to discuss what he did or did not discuss
- 18 with General Counsel, please.
- 19 MR. NOTZON: Well, he can say he didn't,
- 20 so that's not a problem.
- 21 Q. (BY MR. NOTZON) But -- but your attorney is
- 22 accurate. I'm not asking if you did have a conversation
- with an attorney, getting legal advice. I'm not asking
- 24 what that was, and you shouldn't be talking about that.25 Okay. So moving on, whether you talked
- 71 73
- 1 been essentially that. I do remember that one of the --
- 2 this was probably in the panel session -- somebody
- 3 making -- a faculty member making a statement,
- 4 "Everything is written up to the University Committee
- 5 why isn't the University Committee documenting it?"
- 6 And I said, "Everything up to the
- 7 University Committee is advisory to the President, and
- 3 the President needs that written advice and analysis."
- 9 It's not a reciprocal requirement that the President
- 10 explain in writing because we explain orally to the Dean
- 11 if there's a -- if there's a negative decision.
- 12 Q. It's good to be the king?
- 13 MR. DOWER: Objection, form.
- 14 A. The President is not the king.
- 15 Q (BY MR. NOTZON) In a sense -- you're saying
- 16 it's not reciprocal, you know, that the President gets
- 17 to not have to put anything in writing?
- 18 A. There are decisions the President makes that
- 19 are put in writing. I convey them. I convey them
- 20 orally, without a written -- written reason.

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- 21 Q. And that's because the President -- from your
- 22 experience, the President views everything in a holistic

A. Well, that -- so to answer your question,

- 23 way and -- taking all things into consideration and
- 24 decides what's the best result for the university?

- 1 to the attorney or not, I'm asking you whether you see
  - 2 that as protection of the University from liability.
    - A. I don't have the professional ability to
  - 4 assess legal liability. So this was a process that
  - 5 existed prior to 2008, and I did not see a need to
  - 6 change it.

- 7 Q. Well, I don't know that it's rocket science to
- 8 understand that if something's in writing, it's harder
- 9 to avoid than if it's not in writing. Would you agree?
  - MR. DOWER: Objection, form.
- 11 A. I'm not -- I was not trying to avoid anything.
- 12 I was looking at a process that I did not see needed to
- 13 be changed.
- 14 Q (BY MR. NOTZON) Even though there's people
- 15 calling for it to change so that there is a written
- 16 record and some ability to rely on and review the
- 17 decision?
- 18 A. It came up at one or possibly two occasions
- 19 that I recall. To me, that's not sufficient reason to
- 20 justify a change.
- 21 Q. And you believe that at no time in history did
- 22 anybody ever ask for the president's decision to be put
- 23 in writing?
- 24 MR. DOWER: Objection, form.
- 25 A. I can't say what happened in history.

- 1 Q (BY MR. NOTZON) Okay. When was the first
- 2 time that you recall that Dr. Nikolova had an issue with
- 3 potential gender discrimination or pregnancy
- 4 discrimination?
- 5 MR. DOWER: Objection, form.
- 6 A. My recollection is when I was informed that
- 7 she had -- after the decision, I was informed that she
- 8 had submitted a grievance to the CCAFR Committee.
- 9 Q. (BY MR. NOTZON) Okay. So prior to that,
- 10 there was never any discussion about her being
- 11 concerned -- her or others on her behalf being concerned
- 12 about the presence of gender bias or pregnancy bias in
- 13 her promotion process?
- 14 A. Sitting here today, I can't recall anything
- 15 prior to being informed that she was submitting a
- 16 grievance to CCAFR.
- 17 Q. Okay. And who told you that?
  - A. I can't say who specifically. It would have
- 19 likely been Carmen Shockley, the Director of the
- 20 Academic Personnel Office. It possibly could have been
- 21 Janet Dukerich the Vice President -- excuse me -- the
- 22 Vice Provost for Faculty Affairs. It would have been
- 23 one of those two.

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- 24 Q. Okay. And was that an official communication,
- 25 or was that a unofficial communication?

- 1 second page --
- 2 A. Uh-huh.
- 3 Q. -- that first paragraph --
- 4 A. Right
- 5 Q. -- do you remember who that -- the last
- 6 sentence says that the final argument resulted in a
- 7 positive decision. Does that mean that the termination
- 8 appointment would have been reversed, and they would
- 9 have been tenured?
- 10 A. Correct.
- 11 Q. And do you remember who that was?
- 12 A. No.
- 13 Q. I'm sorry?
- 14 A. No, I do not.
- 15 Q. Okay. Because in the documents that I've
- 16 seen, it doesn't look like that -- at least that's not
- 17 recorded, that part.
- 18 A. I -- I don't know --
- 19 Q. Okay.
- 20 A. -- what documents you're referring to.
- 21 Q. Yeah, it's a spreadsheet provided by UT with a
- 22 list of the individuals that have been considered for
- 23 tenure and the votes and the decisions.
- 24 A. I don't have that document.
- 25 Q. All right. I guess I -- maybe I can -- let me

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- MR. DOWER: Objection, form.
- A. Again, I don't remember the exact timing.
- 3 Typically, either Carmen or Janet would inform me
- 4 which -- if there were cases of grievances being
- 5 submitted to CCAFR and then, generally, they would have
- 6 a copy of it and their general practice was to send me
- 7 copies of the -- of the grievance.
- 8 Q. (BY MR. NOTZON) So that would have been an
- 9 official policy-based procedure of communication that
- 10 you learned of her -- of the presence of a potential of
- 11 a gender discrimination complaint?
- 12 A. That's correct.
- 13 Q. Let me -- let me see if I can put up another
- 14 exhibit.
- 15 MR. NOTZON: Okay. This will be
- 16 Exhibit 34.
- 17 (Exhibit 34 marked.)
- 18 A. Okay
- 19 Q. (BY MR. NOTZON) Let me know when you're
- 20 ready.
- 21 A. I can see it.
- 22 Q. Okay. So this is the Faculty Annual Report
- 23 from 2017/2018, correct?
- 24 A. Yes.
- 25 Q. All right. And if you look at the top of the

- 1 just go ahead and put that up, too. That will be 35 --
  - 2 so just to be clear, in Exhibit 34, that person that's
  - 3 being referred to, that would have been someone -- that
  - 4 decision would have been made in the 2017-2018 -- so the
  - 5 spring of 2018; or would it have been the year before?
  - 6 A. Well, at some point we changed the schedule
  - 7 around that time. So it was either the President's
  - 8 Committee meeting in December of 2017; and final
  - 9 arguments would typically take place, if submitted, in
  - 10 January 2018. Again, we changed the timing. So it's
  - 11 possible the President's Committee made the decision in
  - 12 February or March of 2018, and then final arguments
  - 13 would have occurred a month or so later.
  - 14 Q. Okay. And this -- this document would have
  - 15 been at the end of the academic year?
  - 16 A. I assume so. I -- it's not dated, but it's a
  - 17 summary of the academic year. So it would be sometime
  - 18 near the end or past the end of the academic year.
  - 19 Q. So it should be talking about a decision that
  - 20 was made in the -- in that academic year?
  - 21 A. Correct.
  - 22 Q. That would have -- so that person who then got
  - 23 tenure, the tenure would start in the fall of '18?
  - 24 A. September 1st, 2018.
  - 25 Q. Okay. Let me put up 35.

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1 (Exhibit 35 marked.)

- 2 Q (BY MR. NOTZON) Okay.
- 3 A. So this is a spreadsheet?
- 4 Q. Yes.
- 5 A. Pull up Excel. Okay. All right. I'm seeing
- 6 a spreadsheet.
- 7 Q. Okay. And if you look at the bottom of the
- spreadsheet, there are two tabs. 8
- 9 A. Uh-huh.
- 10 Q. And the second tab is the tenure decisions.
- 11 A. This is -- the tab is titled Engineering
- 12 Tenure Decisions.
- 13 Q. Yes, sir. And if you look at the Column A,
- that's the column where the tenure would start. So the 14
- 15 person should be -- from Line 82 down to Line 89 would
- 16 be one of the persons you're referring to, I'm assuming.
- A. Can I ask you what your question is? 17
- 18 Q. Yes. I'm trying to find out who that person
- is -- I'm trying to refresh your recollection as to who 19
- that person is that was initially denied tenure; then, 20
- 21 after final arguments, got tenure.
- 22 A. So as referenced in the Faculty Council
- 23 minutes?

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question.

the record.

25 at 11:25 a.m.

10 to confirm --

24 Q. Yeah, that first paragraph.

Q. That might explain it.

Q. I'll direct you to the Line 89.

information is here, first,

A. College up and out...

25 A. So that first paragraph, I understand, is a

1 statement about university-wide cases. The spreadsheet

So, if you could, look at those people

and confirm that, from what you see, they wouldn't have

A. There's a lot of data here. You're asking me

vou just submitted to me is engineering. So I don't

know that the person that's being referenced in the

Faculty Council minutes was in engineering or not.

been one -- they wouldn't have been that person.

A. I'd have to -- well, I can take the time to

look at the spreadsheet. It's the first time I've seen

it. I -- I'm not sure how -- I need to understand what

Q. Sure. I understand. That makes sense.

about an hour. Maybe we could take a break here. I

don't want to interrupt your flow or -- if you're mid-

MR. DOWER: Robert, we've been going for

MR. NOTZON: Let's go ahead and go off

THE REPORTER: We're going off the record

- 1 (Off the record from 11:25 to 11:39 a.m.)
  - 2 THE REPORTER: We're going back on the
  - record at 11:39 a.m.
    - Q (BY MR. NOTZON) Okay. Back from the break.
  - 5 Dr. Fenves, we were talking about this spreadsheet and
  - you had -- I was trying to point you to Lines 82 to 89,
  - which, from Column A, appear to be the persons in the
  - engineering department that went up for tenure in the
  - 2017-2018 academic year. And I'm asking if any of
  - those people might have been the person mentioned in
  - Exhibit 34 on page 2 as the person that got their tenure
- 12 after final arguments.
  - Do you understand that those, I guess,
- 14 eight people would be in the group of people that might
- 15 have been one of those persons?
- 16 A. No, several of them would not have been
- because they went up early; and so final arguments is
- only available for faculty who have completed the full
- six-year probationary period. 19
- Q. Okay. But in terms of the time period, we got 20
- the time period right?
  - A. If I understand -- you're asking me to look at
- 23 Lines 82 to 89. If I understand the gues- -- I'm
- looking at those names. I -- it's based on the
- assumption that that Faculty Council document was

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- referring to faculty that were promoted in that year.
  - If that's the correct assumption, those are the right
  - 3 lines.
  - 4 Q. Okay. And it -- there's no -- there doesn't
  - 5 seem to be any information on this spreadsheet related
  - to that -- or related to a reversal of a initial
  - decision to not grant tenure?
  - 8 A. I don't see any information for the cases in
  - which that would be a possibility.
  - 10 Q. And reading those names of those professors
  - 11 doesn't refresh your recollection?
  - A. No. Some of them I don't even recognize, a 12
  - 13 few -- actually, most of them I don't even recognize.
  - 14 Q. Right. How many times did you reverse a
  - 15 decision not to grant tenure after a final argument

  - 16 while you were the president?
  - 17 A. I -- I can't remember. Clearly there was one,
  - 18 as documented here; but I can't remember beyond that.
  - 19 Q. I -- I would imagine that's not -- there would
  - be more not reversals than reversals. Do you have an
  - 21 understanding about that?
  - 22 A. So, first of all, that depends on final
  - arguments being submitted. Those were not submitted in
  - all cases of terminal appointments; but, just generally,
  - it would be a rare circumstance to reverse a terminal

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1 appointment. But that process is offered and is done,

- 2 as you can see from those minutes.
- 3 Q. Okay. And you just don't have a memory of how
- 4 often or common it was?
- 5 A. I don't. I've reviewed over 800 cases in my
- 6 time on the President's Committee and made decisions on
- 7 600, so I don't remember the specifics.
- Q. Okay. Do you remember how many times you
- 9 reversed a recommendation from Dean Wood?
- 10 A. Sitting here today, I do not recall having
- 11 reversed a recommendation from Dean Wood.
- 12 Q. Okay. And looking at the spreadsheet,
- 13 Exhibit 35, and sticking with that tab, Engineering
- 14 Tenure Decisions --
- 15 A. Uh-huh.
- 16 Q. -- it appears that there's two times that you
- reversed Dean Wood's recommendation and both were
- Dean Wood's recommendation to not grant tenure and you
- decided to grant tenure. And I'll point them out to you
- that I can --20
- 21 A. Please do, yeah. I don't recall.
- 22 Q. Yeah. I'm just trying to introduce you to the
- 23 information.
- 24 A. Okay.

1 Sirohi.

25 Q. So one is Line 45, and that's Professor Jayant

- 1 situation?
- 2 A. I do not. I don't -- I mean, I recall Sirohi;
- 3 but I don't recall the specifics of the case and the
- 4 reason we -- we -- I made the decision opposite of the
- 5 Dean's recommendation.
- 6 Q. Okay. You don't recall any -- and this is a
- 7 man, correct?
  - A. Sirohi is a male, correct.
- Q. And you don't remember any -- anything about 9
- 10 why he was someone that you viewed should be tenured at
- 11 UT when the P&T and the Dean thought not?
- A. Sitting here today, I do not recall. I would
- 13 need to review the case.
- 14 Q. Okay. And in all fairness, it was from the
- 15 tenure promotion decision year of 13-14. So it would
- 16 have been one of your first times out -- actually, no.
- 17 You were --
- 18 A. Oh, let me -- oh, I didn't see the date on
- 19 this. That's my error. So this was -- I would have
- been Dean. So my decision was -- let's see. This was
- 21 2014-2015. So I would have been Provost at the time.
- 22 So the decision would have been President Powers'.
- 23 Q. Okay. So President Powers reversed your
- 24 decision?
- 25 A. I was Provost at the time, so --

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- A. Sirohi. Okay. Yes, I see that. Q. Okay. So the -- if you see where you --
- 4 Dean Wood recommended terminal appointment, and you
- promoted to Associate Professor?
- 6 A. That's what the spreadsheet shows, correct.
- 7 Q. Okay. And this was created by UT, so it's not
- something I created. Okay?
- A. The spreadsheet shows that, yes.
- Q. Okay. And -- and it looks like the P&T 10
- 11 Committee voted to deny tenure as well?
- 12 A. Which column is that?
- 13 Q. That's T and U.
- A. Well, the P&T vote was three for tenure, four 14
- 15 against.
- 16 Q. Yeah, so that would be a --
- 17 A. That's advisory to the dean, but that's
- 18 correct. That is the vote.
- Q. Yeah. It's close, but it's still on the -- on 19
- 20 the terminal appointment side?
- 21 A. Correct.
- Q. And then this would have been -- this was an 22
- 23 up-or-out-year decision, correct?
- 24 A. That's what this spreadsheet shows, correct.
- 25 Q. And I -- I have to ask: Do you recall this

- Q. Oh, okay.
  - A. -- this would have been a recommendation from
  - 3 Dean Wood to the President's Committee. I was on the
  - 4 committee as Provost. President Powers would have made
  - 5 that decision.
  - 6 Q. Okay. All right.
  - 7 A. I should have checked that date.
  - Q. Yeah, so never mind. There's only one time
  - 9 that you reversed Dean Wood on this -- on this data
  - 10 from the engineering school -- well, it is engineering
  - 11 since it's Dean Wood. If you look at Line 99, Janeta
  - 12 Zoldan -- and that would have been from the '19-'20
  - 13 decision year -- so it applied -- she received tenure in
  - 14 the 2021 year, this year. Let me -- give you a chance
  - 15 to read that Line 99, and let me know when --
  - 16 A. Okay. I see that line. I -- this was
  - 17 relatively recent, but I still -- the name's familiar.
  - I remember she was a faculty member in the, I believe, 19 Department of Biomedical Engineering; but I'm not sure.

  - 20
  - 21 A. I think that's what I recall. I don't know if
  - 22 that's on the spreadsheet.
  - 23 Q. It is. It's G.
  - A. Oh, it is Biomedical. Okay. So I do recall
  - 25 her. So, again, I don't remember that case in a number

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1 of cases; and this would have been -- this would have

- 2 been a year ago. So what I don't know is if that was
- 3 against the Dean's recommendation in the original
- decision or there was -- this was a case where final
- 5 arguments were presented and it was based on a
- reconsideration.
- 7 Q. Right. Either way, you decided to -- the
- only -- the only person that recommended against
- promotion was Dean Wood?
- 10 A. I'd have to review the rest of the
- 11 spreadsheet.
- 12 Q. Well, yeah -- it's there. So the vote of the
- 13 P&T was 6 to 1.
- A. Uh-huh. 14
- 15 Q. And the vote of the Budget Council was 11, 0,
- 16 0, 1, 1?
- 17 A. Yes, that's correct.
- 18 Q. So those are pretty strong recommendations
- 19 from those groups, right?
- A. Right. And there's -- but there's --20
- 21 Q. And this was in the seventh year; and if you
- look at --22
- 23 A. Oh, this was -- I'm sorry.
- 24 Q. -- you can look or you can take my
- 25 representation that the other tab Engineering Assistant

- 1 at the time you made the decision to promote, you would
  - 2 have known that Professor Nikolova, or Dr. Nikolova, had
  - already made a complaint against UT for not having
  - received tenure based upon gender discrimination and
  - 5 pregnancy discrimination?
  - 6 MR. DOWER: Objection, form.
  - 7 A. By the timing, the way I understand the timing
  - of this decision for Zoldan, it took place in 2021 -- it
  - took place in -- I don't know what the years mean. This
  - would look like it -- I don't know if this took place --
  - this couldn't have taken place in 2021 because I wasn't
  - 12 on the President's Committee in 2021.
  - Q. Well, let me -- let me tell you. The first 13
  - 14 column, which says 2020 to 2021 --
  - 15 A. Right.
  - 16 Q. -- that's the year that the promotion would
  - 17 take effect.
  - 18 A. Okay. So she became -- okay. Now, I
  - 19 understand. That means --
  - 20 Q. The decision would have been made in the
  - 21 spring of --
  - 22 A. 2020.
  - 23 Q. -- 2020?
  - 24 A. Right. Okay. And so I understand
  - Professor Nikolova's grievance against CCAFR and the

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- 1 Professors, that tab lists everybody that was an
- 2 assistant professor in engineering, whether they went up
- for tenure or not and whether they took a probationary
- extension or stop the clock, which Professor Zoldan did.
- 5 That's why it's occurring in the seventh year, and the
- 6 seventh year was her up-and-out year. Would you like to
- confirm that or --
- A. So looking at this spreadsheet, she was six 8
- 9 years in the probationary period. So that was her
- 10 up-or-out year.
- 11 Q. Right. But she was seven years at UT?
- A. Yes, that's what the data shows. So the 12
- assumption is she had used the stop-the-clock policy for 13
- one year, but we would have considered it as a six-year 14
- probationary period. 15
- 16 Q. Right. I'm saying you don't have to assume if
- you want to confirm, but I'm telling you the other tab 17
- shows it. But you're welcome to look if you want to. 18
- I'm sorry? 19
- 20 A. I don't need to.
- 21 Q. Okay. And you -- is it your testimony that
- 22 you don't recall the circumstances of this decision?
- A. Sitting here today, I don't recall the 23
- 24 specifics of the case or circumstances for the decision.
- 25 Q. Okay. And it would be accurate, though, that

- 1 litigation were underway with the year before. So, yes,
- I recognize that timing.
- Q. Okay. And Professor Zoldan is a woman?
- 4 A. Correct.
- 5 Q. And had taken a pregnancy leave or -- I mean
- a -- she had taken -- well, let's go ahead and look at
- 7 it. If you look at the first tab --
- 8 A. Yes.
- Q. -- now, this isn't organized in the same
- fashion, so if you look at Line 86, you'll find her. 10
- 11 A. Okay.
- 12 Q. Let me know when you've got it.
- 13 A. I have it. I'm on Line 86.
- Q. Okay. And if you look at -- down to 14
- 15 Column M --
- 16 A. Uh-huh.
- 17 Q. -- it shows that she was expecting a child in
- Column K, that she took the probationary extension? 18
- A. I see that, yes. 19
- 20 Q. So she would be in the similar position to
- Dr. Nikolova of taking the probationary extension
- because she was expecting a child and, therefore, was --
- if she had been denied tenure, she might have been in a
- 24 similar situation to Dr. Nikolova of considering that
- maybe she was denied for reasons other than not having

1 met the qualifications for tenure?

- 2 MR. DOWER: Objection, form.
- 3 A. I can't speculate on that.
  - Q (BY MR. NOTZON) Right. But that -- those
- 5 facts would put her similar to Dr. Nikolova, correct?
- 6 MR. DOWER: Objection, form.
  - A. Again, I don't have -- I can't -- I can't
- speak to that because I don't know what fact sets you're 8
- 9 talking about.

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- Q. (BY MR. NOTZON) Okay. Well, Dr. Nikolova has 10
- 11 complained that UT did not give her tenure, either
- 12 because she's a woman or because she was pregnant. Do
- you understand that? 13
- 14 A. I understand that.
- 15 Q. Okay. And you understand that Dr. Zoldan was
- 16 a woman who went up for tenure and was denied by
- Dean Wood, like Dr. Nikolova was denied by Dean Wood;
- and she had taken the probationary extension for
- 19 pregnancy?

20

- MR. DOWER: Objection, form.
- 21 A. That's what the spreadsheet is showing.
- 22 Q (BY MR. NOTZON) Okay. And she also had a
- 23 positive vote from the P&T Committee and a positive vote
- 24 from her Budget Council, right?
- 25 A. That's what the spreadsheet shows.

- 1 denial of promotion?
  - 2 A. A terminal appointment, if approved by the
  - 3 President's Committee, would be denial of a promotion,
  - 4 correct.
  - Q. So this is the only time that you reversed a 5
  - decision for recommendation from Dean Wood, from the
  - 7 information provided by UT in this spreadsheet, correct?
  - 8 A. So Dean Wood became Dean in 2013 -- I should
  - say I became president in 2015, so that would be 2016 and beyond. So Line 66 and beyond, so that is correct.
- Q. Once you found out that -- well, are you aware of any investigation by any group at UT into
- Dr. Nikolova's complaint of pregnancy or gender
- 14 discrimination?
- 15 A. Dr. Nikolova did submit a grievance alleging
- that to the CCAFR Committee. The CCAFR Committee issued
- a report. I am not aware of any other administrative or
- other proceedings investigating that claim.
- 19 Q. Okay. And just to be clear, is CCAFR a
- 20 university organization?
- 21 A. So CCAFR is a part of a -- the policy, the
- Handbook of Operating Procedures, I believe it's in. It
- is a committee of the Faculty Council. So, yes, it is a
- committee of the university.
- 25 Q. Okay. But it's not supervised by anybody at

- Q. As did Dr. Nikolova, correct? 1
- 2 A. Right.
- Q. And the only person that voted against -- from 3
- 4 the Dean on down, that voted against either Zoldan or
- Nikolova was Dean Wood? 5
- 6 MR. DOWER: Objection, form.
- 7 A. The Dean made recommendations in those two
- cases. Without looking at the Zoldan case, I can't
- speak to what the reasons were.
- Q. (BY MR. NOTZON) Right. No, I'm just talking 10
- 11 about the recommendation to the President's Committee
- was the same? 12
- 13 A. Could you repeat the question?
- Q. The only person that recommended against 14
- tenure below the President's Committee was Dean Wood in 15
- 16 both the Zoldan and Nikolova case?
- 17 MR. DOWER: Objection, form.
  - A. I view them as two different cases.
- Q (BY MR. NOTZON) Right. They are two 19
- 20 different cases.

18

- 21 A. So in each -- in one case the Dean's
- recommendation was that Professor Nikolova was do not
- promote at this time, without prejudice. In this case 23
- 24 this was a terminal appointment in an up-or-out year.
- 25 Q. Yeah. Which was -- yeah, which is ultimately

- 1 the university?
  - 2 MR. DOWER: Objection, form.
  - 3 A. The --
  - 4 (BY MR. NOTZON) Let me -- let me re-ask the
  - question. That was a bad question.
  - 6 It's not supervised by the Administration
  - 7 of the University, correct?
  - A. The Faculty Council is an independent body
  - within the overall shared governance responsibilities,
  - the faculty and the administration. And so the Faculty
  - Council elects its own members, appoints its own
  - 12 officers, and appoints its own committees, including

  - 13 CCAFR.

15

- 14 Q. So the answer is, yes, that's correct?
  - A. The University Administration has no role
- 16 in -- in the Faculty Council proceedings, including
- 17 CCAFR.
- 18 Q. Okay. So back to my question, was there -- I
- 19 guess the answer would be -- I think you answered; but
- just to be clear, no University of Texas Administration
- 21 organization, like OIE, Office of Institutional Equity,
- 22 or any of the EEO groups or Human Resources groups did
- 23 an investigation into Dr. Nikolova's complaint of gender
- 24 or pregnancy discrimination, correct?
- 25 A. So I'm not aware of any university office

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1 outside of the Faculty Council Committee conducting an

- 2 investigation.
- 3 Q. Okay. And why is that that a University did
- 4 not conduct an investigation of Dr. Nikolova's
- 5 complaint?
- 6 MR. DOWER: Objection, form.
- 7 A. So under the policy of the University of
- 8 Texas, as I remember it, the first step in a faculty
- 9 grievance process is through the Faculty Council, where
- 10 the faculty are reviewing the grievance and developing a
- 11 finding.
- 12 Q (BY MR. NOTZON) Isn't a faculty grievance
- 13 separate and apart from a complaint of discrimination?
- 14 A. I -- I don't think I can answer that. There
- 15 is an Equal Employment Opportunity office that
- 16 investigates complaints of -- a grievance of
- 17 discrimination. I do not remember how that relates to
- 18 faculty. They're clearly employees; but as faculty, my
- 19 understanding and my recollection about reviewing the
- 20 policies, is that primarily goes through the Faculty
- 21 Council Committee of CCAFR.
- 22 Q. Would you agree in looking at the CCAFR report
- 23 that they -- well, let me back up.
- 24 Isn't it true that you have no reason to
- 25 believe that CCAFR has any expertise or training in the

- 1 of Institutional Equity.
  - 2 Q. So you're not saying that there's a policy
  - 3 that says that UT will take a hands-off approach to
  - 4 complaints of discrimination and let CCAFR do an
  - 5 investigation first? That's not your testimony?
  - A. My testimony, without referencing the relevant
  - 7 policy documents, is faculty complaints and grievances
  - 8 go through, primarily, CCAFR. There may be a mechanism
  - 9 for submitting complaints to the Office of Institutional
  - 10 Equity, and that office will thoroughly investigate each
  - 11 complaint that's filed with them.
  - 12 Q. Is it your testimony that the Office of
  - 13 Institutional Equity will not investigate allegations
  - 14 of discrimination unless a formal complaint is filed by
  - 15 the -- by someone?
  - 16 A. I can't testify to what their procedures are.
  - 17 I just can't.
  - 18 Q. As a member of administration, do you
  - 19 understand that you -- if you receive a complaint of
  - 20 discrimination, that you are required to report that to
  - 21 the Office of Institutional Equity?
  - 22 A. Yes -- well, I'm sorry. I'm sorry let me back
  - 23 up -- rephrase -- could you say the question again?
  - 24 MR. NOTZON: Debbie, can you read it?
    - (The requested material was read as

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- \_
- investigation of complaints of discrimination?
   A. I -- so I can't say what training CCAFR has.
- 3 It's a Faculty Council Committee. They're often members
- 4 of the law school faculty who are on CCAFR, but I don't
- 5 know the specifics.
- 6 Q. You have no reason to believe that anybody on
- 7 CCAFR has been trained to conduct investigations of
- 8 complaints of discrimination or retaliation, correct?
- 9 A. I have no knowledge of that.
- 10 Q. What was the answer?
- 11 A. I have no knowledge of that.
- 12 Q. Whereas, you are aware that the organizations
- 13 at UT that conduct investigations of discrimination and
- 14 retaliation are trained professionals, correct?
- 15 A. That's correct.
- 16 Q. So I'll ask again: Why is it that UT did not,
- 17 on its own, investigate a complaint of discrimination
- 18 made by one of its employees at any time?
- 19 A. My general understanding -- and I would need
- 20 to go back and review and study the policy regarding
- 21 faculty -- is twofold: One those complaints go through
- 22 the Faculty Council; and, Number 2, the University, to
- 23 my knowledge, doesn't investigate a complaint unless a
- 24 complaint has been filed with that office. And I have
- 25 no knowledge of a complaint being filed with the Office

- 1 follows: "QUESTION: As a member of administration, do
  - 2 you understand that you -- if you receive a complaint of
  - 3 discrimination, that you are required to report that to
  - 4 the Office of Institutional Equity?")
  - 5 A. In terms of legal requirements, if I receive a
  - 6 complaint of a Title IX discrimination, as a mandatory
  - 7 reporter, I'm required to report that under Title IX to
  - 8 the relevant Title IX -- to the Title IX official at the
  - 9 University. I'm not aware of any other legal -- legal
  - 10 requirements. And in the case of faculty, the procedure
  - 11 is well established that complaints that violate due
  - 12 process, including discrimination, go through CCAFR.
  - 13 Q. (BY MR. NOTZON) Are there any policy
  - 14 requirements that a member of UT Administration that is
  - 15 aware of complaints of discrimination, that they are
  - 16 required to report that to OIE or some other
  - 17 organization within UT?
  - 18 A. I -- I can't recall any -- any formal policy,
  - 19 required policy.
  - Q. And that Title IX requirement, what do you
  - 21 recall the -- you said you were a designated reporting
  - 22 official?
  - 23 A. So under UT Austin policies at the time I was
  - 24 President, all employees of the university were
  - 25 classified as mandatory reporters under Title IX, with a

1 few exceptions.

- 2 Q. Okay. All employees, whether they supervised
- 3 anyone or not?
- 4 A. Correct.
- 5 Q. And you're not aware of any policy with UT
- 6 that required that anyone that is in a supervisory role
- 7 is required to report complaints of discrimination or
- 8 harassment, regardless of whether or not the victim is
- 9 complaining officially or not?
- 10 A. I am not aware of any policy such as that.
- 11 MR. NOTZON: Let's go ahead and take a
- 12 break for just a couple of minutes. I'm getting close
- 13 to the end of, I think, the personal testimony and
- 14 looking to go towards the corporate rep; but let me
- 15 double-check that. Okay?
- 16 MR. DOWER: Fair enough.
- 17 THE REPORTER: Going off the record at
- 18 12:14 p.m.
- 19 (Off the record from 12:14 to 1:07 p.m.)
- 20 THE REPORTER: We're going back on the
- 21 record at 1:07 p.m.
- 22 Q (BY MR. NOTZON) Okay. So, Dr. Fenves, back
- 23 from lunch. So looking at Exhibit 32, which was the
- 24 depo notice, the three corporate rep topics are now what
- 25 I'm going to focus on.

- 1 recollection of the discussion at the time being
  - 2 refreshed by the facts within the case.
  - 3 Q. Okay. So earlier you testified to
  - 4 approving -- or deciding on 800 and 600 cases in your

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- 5 various roles, 600 as President, as a means of
- 6 testifying that you didn't recall details, to include
- 7 ones from just last year.
  - So what you're saying is -- well, I
- 9 guess: Why is it that you are able to remember these
- 10 two reasons?
- 11 A. Because I had the opportunity to review the
- 12 dossier in some depth.
- 13 Q. Okay. So if you had the opportunity to review
- 14 the other dossiers, you might have a recollection as
- 15 well?

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- A. I might, yeah.
- 17 Q. What did you do to prepare for your deposition
- 18 on this topic?
- 19 A. I met with the Counsel for the University,
- 20 reviewed documents.
- 21 Q. Did you have any discussions with anyone else?
- 22 A. No
- 23 Q. And other than the dossier, what did you
- 24 review?
- 25 A. I reviewed the dossier for Professor Nikolova

1 A. Okay.

- Q. The first one is the decision to deny tenure
- 3 to Dr. Nikolova, including facts and circumstances and
- 4 reasons for the decision. So, if you could, tell us the
- 5 reason why you did not -- you decided to deny tenure to
- 6 Dr. Nikolova.
- 7 A. Based on the dossier and the recommendation of
- 8 the Dean to "do to not promote," we agreed with Dean.
- 9 My recollection of the -- this deliberation of the
- 10 President's Committee is that it was primarily based on
- 11 concerns about the -- primarily the research funding,
- 12 the sustainability of maintaining a research program,
- 13 and the future trajectory of her research.
- 14 The second consideration was the
- 15 publications record, both journal publications and
- 16 conference publications, were not at the level that we
- 17 would really like to see for a tenured faculty member.
- 18 So those were the primary reasons for
- 19 agreeing with the Dean's recommendation.
- 20 Q. Okay. Funding -- funding sustainability and
- 21 trajectory for the future and the publication record?
- 22 A. Publication record.
- 23 Q. Okay. And how do you recall that?
- 24 A. I recall it by reviewing the dossier for
- 25 Dr. Nikolova's case and, you know, just based on my

- 1 and then, to a lesser extent, because of the number -- I
  - 2 think there were a total of 13 dossiers --
  - 3 Q. Oh, no. This question is just for Topic
  - 4 Number 1.
  - A. Topic Number 1. So I reviewed the dossier for
  - 6 Dr. Nikolova, and then most recently the CCAFR report on
  - 7 the grievance that Dr. Nikolova submitted, and my
  - 8 response as President to the CCAFR report.
  - 9 Q. Okay. And as part of the dossier for
  - 10 Dr. Nikolova, you would have reviewed Dean Wood's
  - 11 assessment?
  - 12 A. Correct.
  - 13 Q. Okay. And did your review of that information
  - 14 refresh your recollection at all of any communications
  - 15 from Dean Wood to the -- to you and the committee when
  - 16 she appeared to discuss Dr. Nikolova's case?
  - 17 A. The only communication that I recall would
  - 18 have taken place during the meeting, the President's
  - 19 Committee meeting, with Dean Wood to discuss the case.
  - 20 And, yes, I had a general -- I can't recall any
  - 21 specifics of that discussion; but reviewing the case, I
  - 22 have a general -- a general memory of it taking place.
  - 23 Q. Okay. And do you recall questioning Dean Wood
  - 24 about why she's contradicting the Budget Council and the
  - 25 P&T Committee?

1 A. We would have certainly asked her to justify

- 2 that, yes.
- 3 Q. Do you recall doing that?
- 4 A. I -- so this was 2019. I -- I don't
- 5 specifically recall it, but it would almost certainly
- 6 have happened because that's what we would do when a
- 7 Dean is making a do-not-promote recommendation,
- 8 especially if it is different from what the P&T
- 9 Committee vote was.
- 10 Q. I'm putting an exhibit in the chat. It was
- 11 previously marked as Exhibit 2.
- 12 (Exhibit 2 discussed.)
- 13 A. For some reason it's not coming up -- I see it
- 14 in the chat; but for some reason -- oh, here we go.
- 15 Yes, I have it.
- 16 Q. (BY MR. NOTZON) Okay. And this is
- 17 Dean Wood's assessment of Dr. Nikolova that you would
- 18 have reviewed as part of the President's Committee
- 19 process; is that correct?
- 20 A. That is correct.
- 21 Q. And that you recently reviewed in preparation
- 22 for today?
- 23 A. Correct.
- 24 Q. Do you see in here any communication from
- 25 Dean Wood that -- that expresses the P&T Committee's

1 that assessment for you and the Committee?

- 2 A. Well, her whole document is a factual summary
- 3 that is included in the previous documents; and that
- 4 paragraph is typically what we would see in a Dean's --
- 5 a Dean's conveying of a Promotion and Tenure Committee.

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- 6 That's a typical type of summary that we would see.
- Q. Along with other details that the P&T
- 8 Committee would have discussed and relied upon for a
- 9 unanimous vote, correct?
- 10 A. I don't know if that is correct. Again, the
- 11 summary is typically what we will see in a Dean's
- 12 report or a Dean's assessment to the University -- to
- 13 the President's Committee -- excuse me -- assessing --
- 14 conveying what the -- the nature of the P&T decision --
- 15 P&T recommendation was.
- 16 Q. Isn't it accurate that the other part of the
- 17 process that is not in writing is the P&T Committee's
- 18 discussion?
- 19 MR. DOWER: Objection, form.
- 20 A. The P&T Committee meets -- it takes a vote on
- 21 record, is supposed to meet with the Dean and have a
- 22 discussion with the Dean about -- about the case. So
- 23 that's -- that is the way it -- the policy -- the
- 24 procedure in which it has been done. That's a
- 25 requirement. Excuse me.

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- 1 positive review of Dr. Nikolova, which was, you know, a
- 2 100 percent vote that she had?
- 3 A. Let me go through it again on that specific
- 4 question.
- 5 Under Overall Assessment she says, "As
- 6 noted previously, the Promotion & Tenure Committee
- 7 strongly supported Dr. Nikolova's case. Then noted --
- 8 they noted the uniform support of her innovative
- 9 research and felt that her teaching was a minor
- 10 concern."
- 11 Q. So that's the full extent of her commenting on
- 12 the P&T Committee's unanimous vote?
- 13 A. I believe so.
- 14 Q. Isn't she required under the policies and
- 15 procedures to provide a full assessment of the P&T
- 16 Committee basis for its vote and not just a summary
- 17 sentence like that?
- 18 A. I don't know if that is a requirement.
- 19 Q. Do you know that it's a requirement that she's
- 20 actually supposed to attend the P&T Committee's
- 21 discussion of Dr. Nikolova?
- 22 A. I believe that is a -- that's part of our
- 23 policy or procedure.
- 24 Q. And the reason -- one of the reasons for that
- 25 is because she is supposed to then, therefore, provide

- 1 In engineering, when I was Dean, the P&T
- 2 Committee would draft the assessment. So it would be --
- 3 they would take the first draft of what the Dean's
- 4 letter is and then I would take that as their report to
- 5 me and then it would become my -- my -- the basis for my
- 6 report and my decision. I don't know if Dean Wood had
- 7 followed that same procedure.
- 8 Q. Or if she changed it?
- 9 A. Or if she changed it.
- 10 Q. Okay.
- 11 MR. NOTZON: Let's put up Exhibit 36.
- 12 (Exhibit 36 marked.)
- 13 A. Okay. 2018/2019 Evaluation Template?
- 14 Q. (BY MR. NOTZON) Yes.
- 15 A. Yes, I have it.
- 16 Q. And it's a four-page document?
- 17 A. Yes, correct.
- 18 Q. Okay. And these -- if you look down below, do
- 19 you understand that these are the notes from the P&T
- 20 Committee?
- 21 A. I've never seen this document before. This is
  - 2 a different procedure than I had when I was Dean; but I
- 23 understand that these -- yeah, I've never seen this
- 24 before. So I don't know who wrote it.
- 25 Q. Okay. Let me go ahead and put up the document

1 just before that as Exhibit 37; and when I say "just

- 2 before that," I'm talking about if you look in the
- 3 bottom right-hand corner of the first page, there's a
- 4 number, 7551.
- 5 A. Yes.
- 6 Q. That's UT's Bates number for that document,
- 7 and I'm going to put up Number 7550.
- A. Okav.
- 9 (Exhibit 37 marked.)
- 10 A. Uh-huh, I see it.
- 11 Q. (BY MR. NOTZON) Okay.
- 12 A. So I looked at it, "I managed to...the
- 13 committee notes of Nikolova." Okay.
- 14 Q. Right.
- 15 A. So that's the P&T Committee notes.
- 16 Q. Correct.
- 17 A. Uh-huh.
- 18 Q. In looking back at Exhibit 36, 7551 and the
- 19 subsequent pages, you see that this is the notes of the
- 20 P&T Committee's discussions and the basis supporting
- 21 their unanimous vote for Dr. Nikolova's promotion?
- 22 A. I see a series of notes, yes, correct.
- 23 Q. Do you see that there's several items in here
- 24 that are not part of and not summarized by Dean Wood in
- 25 her Exhibit 2?

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  1 like -- again, for the purposes of the Dean's letter, it
  - 2 looks like a very typical summary of research.
  - 3 Q. The statement that Dr. Nikolova is considered
  - 4 a leader in this emerging area, do you see that that's
  - 5 notably absent from Dean Wood's assessment?
  - A. I see that --
  - 7 MR. DOWER: Objection, form.
  - 8 A. -- it's not included in her assessment,
  - 9 that's correct.
  - 10 Q. (BY MR. NOTZON) And you're talking about
  - 11 one of the reasons you were denying tenure was her
  - 12 publication record and that it was weaker than you
  - 13 thought it ought to be. Wouldn't that depend upon the
  - 14 nature of the field?
  - 15 A. Yes, the publication record depends upon the
  - 16 nature of the field and what the expectations are for
  - 17 that field or for that subfield.
  - 18 Q. And was that taken into consideration by
  - 19 Dean Wood or you?
  - 20 A. I believe so, yes.
  - 21 Q. And in what way?
  - 22 A. Through experience in seeing lots of cases and
  - 23 through some of the comments in the external letters.
  - 24 Q. Which were positive, not negative?
  - 25 A. There were some positive -- quite a few

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- A. Well, I've got to go through it more -- more
- 2 carefully. I mean, this -- Section B quotes external
- 3 letters. Generally Dean's assessments don't quote
- 4 external letters. You can -- our -- our regular advice
- 5 to deans is we can read the letters ourselves. We don't
- 6 need them to use their space to quote letters, so that
- 7 one --
- 8 Q. But they will -- they will do that when
- 9 they're wanting to say something positive?
- 10 MR. DOWER: Objection, form.
- 11 A. In general our advice to deans is, "Don't
- 12 quote from letters; we can read the letters." Does
- 13 everybody follow our advice? I can't say a hundred
- 14 percent.
- 15 Q. (BY MR. NOTZON) Do you see the explanation
- 16 provided for research?
- 17 A. You're talking about Section 2.2C -- or
- 18 Section C?
- 19 Q. Yeah -- well, Section 2, 2A as well.
- 20 A. Yes, I see it.
- 21 Q. Do you see some positive information here
- 22 that's not contained in Dean Wood's assessment?
- 23 A. I see some factual information. She has a
- 24 paragraph -- Dean Wood, I should say, has a paragraph on
- 25 the first page summarizing her research. That looks

1 positive ones, but there were some letters that did

- 2 raise concerns and statements in some of the letters
- 3 that did raise concerns.
- 4 Q. Could you point out the concerns that you
- 5 focused on in your denial of tenure to Dr. Nikolova or
- 6 that Dean Wood focused on?
- A. Well, I -- so, again, this was two years ago.
- 8 I can't remember the specifics of the discussion; but
- 9 as I've gone back and reviewed the dossier, seeing the
- 10 same -- same letters I would have seen in 2019, I see --
- 11 I see areas of concern.
- 12 I can't recall if those were specifically
- 13 addressed in our meeting with Dean Wood; but we would
- 14 have certainly seen them in our review, the members of
- 15 the Committee's review of the case.
- 16 Q. Well, let's look at Exhibit 2.
- 17 A. Which is Exhibit 2?
- 18 Q. It's -- I had put it up there before. So it
- 19 should be either on your computer or --
- 20 A. Faculty Report -- so I have one, two, three --
- 21 it looks like I have six documents from you. Which one
- 22 are you --
- 23 Q. The one that starts EX2.
- 24 A. EX2. Oh, I see it. I'm sorry. Okay.
- 25 Sorry. For some reason I'm not finding

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1 it. Let me try to click on it again.

- 2 Q. You had mentioned that it was hard -- it
- 3 wasn't opening, and then it opened, the first time you
- approached it.
- A. So this is the -- it starts with the cover 5
- 6 page on Recommendation for Change in Academic Rank?
- 7 Q. Yes. uh-huh.
- 8 A. Okay. Yes, I have the document.
- 9 Q. Okay. Look at page 3 of 5 there.
- 10
- 11 Q. I see the factual recitation there.
- 12 A Yes
- 13 Q. But no comments, no explanations, no context
- 14 within the field?
- 15 A. That is correct.
- Q. Okay. So -- and going back to Exhibit 36, 16
- 17 there is some discussion in there about context. So I'm
- just trying to understand where your negative assessment
- of her publication fits within the context of her 19
- performance and the P&T Committee's positive unanimous 20
- 21 vote in support of her promotion based upon -- in part,
- 22 on her publications?
- 23 A. Well, there's no context in the -- in that
- 24 summary from the P&T Committee about how the number of
- 25 journal articles, and the number of peer-reviewed

- Q. And that information is not in Dean Wood's
  - assessment that you would have had to then be able to
  - ask questions about?
  - A. The information was not in Dean Wood's
  - 5 summary, but we had the entire dossier in front of us to
  - see the information.
  - Q. Yeah, you have the entire dossier for
  - everybody; but the policy still requires the Dean to
  - provide the information supporting the P&T Committee's
  - vote as a -- an assistant to the President and the
  - 11 President's Committee so that they don't have to go line
  - 12 by line through the dossier, correct?
  - A. That is not correct. 13
  - 14 Q. Okay. So correct me.
  - 15 A. Two points: We expect members of the
  - President's Committee to review the entire dossier.
  - That may not be every single line in a several-hundred-
  - page document; but there is thorough review among the
  - five members, especially on key issues that get
  - 20 identified at various levels.
  - 21 We do not expect the Dean to summarize
  - everything that's in the dossier because we have the
  - dossier available to us. We ask for a concise statement
  - 24 to support their recommendation.
  - 25 My understanding and my recollection of

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- 2 there's nothing about context of research funding, which
  - are the two areas that -- as I've looked at the record
- again, and -- and recognizing that we would have seen
- 5 that same record two years ago, were the main concerns.
- Q. You don't see context where it talks about the 7 conference papers and the accepted rate and the H score,

1 conference proceedings compare. And so that -- and

- the H index?
- A. No, I don't see context. It's a factual
- 10 statement about the number of publications, factual
- 11 statement about being published. The majority of her
- work, not all of her work, being published in
- competitive peer-reviewed conference proceedings. 13
- There's no context there of how -- what the expectations 14
- are and the citation is given without context, but a 15
- 16 later statement that H index and citations are slightly
- 17 lower than total citations and likely different due to
- time and effect since Professor Nikolova received her
- Ph.D. But then that raises the question of who they're 19
- 20 comparing to because I believe she would have been ten
- 21 years past her Ph.D.
- Q. Questions that could be asked but weren't? 22
- A. Well, as I said, this is the first time I've 23
- 24 seen this document: but my answer is: I don't see a lot
- 25 of context in this summary.

1 the policy is the Dean needs to be present to hear the

- 2 reasons for the P&T Committee's vote and anv -- and
- any -- and their view of the case. I don't recall any
- specifics about the requirement to summarize the P&T
- discussion in detail.
- Q. Would you agree that it would be inappropriate
- or in violation of the policy and procedures of UT for
- the Dean to simply receive notes from the P&T Committee
- and not be present for the discussion?
- 10 A. I would have to review the documents whether
- 11 this is a policy requirement, or a recommendation, or an
- expectation. 12
- 13 Q. But didn't you just testify that the
- expectation is that the deans are expected to be in the 14
- 15 P&T --
- 16 A. I think it's the expectation. Now, whether
- it's a violation if they aren't -- I can't answer 17
- 18 without looking at the policy.
- 19 Q. Okay.
- 20 MR. NOTZON: Let's go ahead and take a
- 21 quick break. I need a restroom break, and I need to
- find a document.
- 23 THE REPORTER: We're going off the record
- 24 at 1:40 p.m.

25

(Off the record from 1:40 to 1:46 p.m.)

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1 THE REPORTER: We're going back on the

- 2 record at 1:46 p.m.
- 3 Q (BY MR. NOTZON) Okay. I'm putting Exhibit 38
- 4 up.

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- 5 (Exhibit 38 marked.)
- 6 A. Yes, I see the General Guidelines For
- 7 Promotion and Tenure.
  - Q. (BY MR. NOTZON) For the year that would apply
- 9 for Dr. Nikolova's consideration for tenure?
- 10 A. Correct.
- 11 Q. Okay. So this would be the right document to
- 12 be looking at to determine what the policies and
- 13 procedures are related to the Dean's participation in
- 14 the P&T Committee procedures, correct?
- 15 A. Correct. Correct.
- 16 Q. Okay. And that would be found on page 8; is
- 17 that right?
- 18 A. Yeah. Are you talking about Section 4 on that
- 19 page?
- Q. Yes, at the top of the page.
- 21 A. Correct.
- 22 Q. Okay. So it would be a violation for the Dean
- 23 not to be present, correct?
- 24 A. These are -- these are guidelines. It would
- 25 a -- it would be contrary to the guidelines.

- 1 recommendation was different than the P&T Committee's.
- 2 Q. (BY MR. NOTZON) But you don't remember what
- 3 that was?
- 4 A. I don't remember the specifics of a discussion
- 5 two years ago.
- Q. And do you recall in your conversation with
- 7 the President's Committee whether Dean Wood was present?
- A. Whether Dean Wood was present where?
- 9 Q. Remember, earlier you said that when the
- 10 President's Committee is discussing the candidates --
- 11 A. Oh, I see what you're saying. So the dean,
- 12 Dean Wood, was certainly present when we discussed the
- 13 case with her. We would always have a discussion if
- 14 there was a case for do not promote.
- 15 Q. Let me -- let me complete my question.
- 16 Obviously, she was there when she was talking to you
- 17 about the case. I'm asking if she was there for the
- 18 conversation and discussion that occurred after she made
- 19 her presentation.
- 20 A. So this is -- when we changed -- so I do not
- 21 remember the date when we changed the procedure. So I
- 22 can't -- I can't answer the question without some
- 23 information on did we change it that year, or was it
- 24 afterwards.

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25 Q. Do you recall if Dean Wood was present when

Q. Okay. And it also talks about the nature of

- 2 the Dean's communication of what occurred in the P&T
- 3 discussions; although, not a summary, it is a fair
- 4 rationale?
- 5 A. That's what the guidelines say.
- 6 Q. Okay. So merely providing a summary wouldn't
- 7 be a fair rationale, would it?
- 8 A. I think that was a fair statement of the -- of
- 9 the summary of the P&T doc -- Committee document that I
- 10 saw, and it's typical of what we see in Dean's letters.
- 11 Q. So it's -- there's never an occasion where you
- 12 ask for more information?
- 13 A. There -- there, again, with the 800 cases I've
- 14 reviewed on the President's Committee, there were cases
- 15 that we asked for, in the meeting with the Dean, some
- 16 more specifics if there were questions about the P&T
- 17 Committee's assessment.
- 18 Q. I mean, especially in light of the unanimous
- 19 support that Dr. Nikolova got from the P&T Committee,
- 20 you would want to have some understanding from Dean Wood
- 21 why they were so positive and she so negative, correct?
- 22 MR. DOWER: Objection, form.
- 23 A. We would -- we certainly would have had a
- 24 discussion. I don't recall the specifics, but we
- 25 certainly would have a discussion of why her

- 1 you took a poll of the President's Committee?
  - 2 A. Well, that would be the -- that's the same
  - 3 thing. The poll and the discussion of the committee, up
  - 4 to a certain point, was done in the presence of the
  - 5 Dean. At some point we changed the procedure -- and it
  - 6 may be for this case and this year -- she was present
  - 7 for our meeting with her but was not present for the
  - 8 poll and my decision.
  - 9 Q. Do you recall the poll for Dr. Nikolova's
  - 10 case?
  - 11 A. I do not.
  - 12 Q. Do you recall any comments from any of the
  - 13 other four members of the committee?
  - 14 A. I do not.
  - 15 Q. Do you remember if there was a split in the
  - 16 committee?
  - 17 A. I don't remember.
  - 18 Q. Do you recall if there was a concern about the
  - 19 case being accelerated or early?
  - A. I do not recall that being part of the
  - 21 discussion. The discussion was primarily on
  - 22 Dr. Nikolova's research funding record, trajectory --
  - 23 and I'm almost certain that was the major part of the24 discussion -- and then, also, the publication record.
  - 25 Q. So the fact that Dr. Nikolova was early or

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1 accelerated was not one of the reasons why you decided

- 2 to deny tenure?
  - A. That is correct.
- 4 Q. So if she was to go up for tenure -- if that
- 5 happened to have been her up-or-out year, you would have
- 6 issued a termination -- a terminal appointment?
  - A. I can't speculate on what the decision would
- 8 have been with a different fact set and different
- 9 timing.

3

- 10 Q. Well, I thought you said earlier that there is
- 11 no different standard; and, therefore, the timing is --
- 12 of her going up wouldn't necessarily have a role to play
- 13 in your decision?
- 14 A. The -- the way I'm going to answer that
- 15 question is: We did not have to make a terminal -- a
- 16 decision on a terminal appointment because under UT
- 17 Austin's rules, this was -- there was still time in the
- 18 probationary period. So the best way to describe it is,
- 19 the case was not ripe for a review to make a decision to
- 20 promote or terminal appointment.
- 21 Q. I'm having trouble understanding, Dr. Fenves,
- 22 when you say it's not ripe for review because you are
- 23 reviewing her case at that time and making a decision
- 24 whether to grant tenure or not based upon her
- 25 performance.

1

- 1 it was early, falls into this category that Dr. Nikolova
  - 2 had been a professor, assistant professor for six years
  - 3 by the tenure clock; and so that was sufficient why now

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- 4 to consider this in a normative time of six years for an
- 5 assistant professor.
  - Q. So the question was answered affirmatively?
- 7 A. The question was answered -- the best way to
- describe it -- implicitly because we could see that she
- 9 had six years as assistant professor. The data that is
- 10 presented is publication records and research funding as
- 11 an assistant professor for six years in rank.
- Q. So that would have been sufficient for her to
- 13 get tenure if, in your opinion, she had better funding
- 14 sustainability and trajectory and publication records?
- 15 A. That was sufficient for her to be considered
- 16 at this time as early promotion under UT Austin rules.
- 17 I can't speculate if she had additional funding, if she
- 18 had additional papers, what the decision would have been
- 19 because it would depend on the facts presented at the
- 20 time.
- 21 Q. When you say she wasn't ripe for
- 22 consideration, that, to me, indicates that she is not --
- 23 that she's too -- too early; she didn't answer the early
- 24 question. How do you view the term "ripe" in any other
- 25 way?

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A. And we did not feel the performance,

- 2 particularly in research, funding, and trajectory and
- 3 publications was ready to make that affirmative decision
- 4 to promote to tenure.
- 5 Q. How would it have -- how would it have changed
- 6 if she was in her up-or-out year?
- 7 A. We would have had to make a decision to
- 8 promote or a terminal appointment.
- 9 Q. So the added factor of her being kicked out of
- 10 the department or not would be in play? Sympathy would
- 11 have been a --
- 12 A. I don't -- so when a -- under the UT Austin
- 13 rules, when a case is presented to the President's
- 14 Committee early, before the end of probationary period,
- 15 there is an option if the Committee and the President
- 16 does not feel the case warrants promotion, to come back
- 17 without prejudice for consideration. When that happens,
- 18 then there's another year or two years or however many
- 19 years left on the probationary period to give more
- 20 confidence that the standards have been met; and
- 21 particularly in this case, research funding will be
- 22 sustainable and have a positive trajectory.
- 23 Q. In this case, in Dr. Nikolova's case, the
- 24 question of why now, was that answered?
- 25 A. So this was -- the question of why now, since

1 A. We can -- so the typical approach was for

- 2 assistant professors -- an assistant professor who had
- 3 service at other universities, which we like to see --
- 4 we like to recruit talented faculty that already have
- 5 demonstrated a record as an assistant professor, bring
- 6 them to UT -- in this case, we've looked at the record
- 7 over six years as an assistant professor that were
- 8 counted four in rank at UT Austin and two at Texas A&M.
- 9 We did not feel -- I should say, I did
- 10 not feel, as President, based on the information that
- 11 was presented in the dossier, the discussion with the
- 12 Dean, until whatever deliberations -- I don't recall the
- 13 specifics -- that took place with the University
- 14 Committee, that there were -- that there was sufficient
- 15 confidence in research funding, trajectory, and
- 16 publications.
- 17 So as a committee we have a choice. We
- 18 could say do not promote, which was the decision in this
- 19 case, without prejudice, to have more time to build
- 20 that -- build that case; or we could have made the
- 21 decision that six years as an assistant professor, we're
- 22 going to consider that an up-and-out year and issue a
- 23 terminal appointment. That was not the recommendation24 of the Dean. That was not my decision as President.
- 25 And I can't recall, ever, a situation where we would

1 have done that, that we would give the faculty member

- 2 the benefit of the doubt, additional time to make a
- 3 case.
- 4 So, in summary, that's what I mean. With
- 5 the facts presented, the timing of this particular case,
- 6 it wasn't ready for a promotion decision or a terminal-
- 7 appointment decision.
- 8 Q. Well, not ready for promotion is different
- 9 than not ripe for consideration, correct?
- 10 A. It's not ripe -- well, I use the term "not
- 11 ripe" to make a decision to promote with tenure. That's
- 12 how I use the decision -- that's how I use the
- 13 terminology.
- 14 Q. So Dr. Nikolova had a -- at that time, she had
- 15 a probationary extension, stop-the-clock, on her record,
- 16 correct?

18

- 17 A. Correct.
  - Q. And -- but even with that, she still met the
- 19 six years when you combined the A&M time, correct?
- 20 A. Six years in rank by the way we counted four
- 21 years at UT Austin -- she had four years in rank at UT
- 22 Austin -- and we considered the time at Texas A&M. I
- 23 can't remember if it was two and a half or two, but we
- 24 would have considered that two years in rank as an
- 25 assistant professor at Texas A&M, for a total of six

- 1 A. I don't believe so. She would have been an
  - 2 assistant professor in that hypothetical case of as
  - 3 seven years. We would have looked at the same research

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- 4 record, and we'd have the same concerns about the
- 5 current funding and the future funding.
- Q. And the policies and procedures also don't say
- 7 anything about a heightened standard for an early
- 8 promotion consideration, correct?
- 9 A. From the time I was -- began as Dean in 2008,
- 10 to the entire time I was at UT, the understanding and
- 11 the guidelines for a promotion case that was submitted
- 12 before the end of the probationary period had to answer
- 13 the question of why consider the case now.
- 14 Q. Right. And provide an explanation, but not a
- 15 justification?
- 16 A. Provide a reason why the case should be
- 17 considered and a decision -- and supporting the
- 18 recommendation and answer the question -- the -- my
- 19 predecessor, I remember as Dean, when I presented an
- 20 early promotion case, the question was, "Why now?" And
- 21 whenever the President's Committee met with -- had
- panels, the road shows, the briefings, this was a commonquestion; and there was often, you know, a lot
- 24 of discussion of examples of how to answer the
- 25 question "why now" when considering putting a case up

1:

- 1 years as an assistant professor.
- 2 Q. So the answer's "yes"?
- 3 A. Yes
- Q. So whether she decided to rescind the
- 5 probationary extension or not, the decision would have
- 6 been the same, to not promote?
- 7 A. So that's a hypothetical, which if she had
- 8 rescinded the probation for one year, she would have
- 9 been five years on the -- on the -- five years at UT
- 10 Austin and two years at Texas A&M, for a total of seven
- 11 years as an assistant professor. I -- you know, can't
- 12 say -- the facts that would have been the same, the same
- 13 concerns about trajectory -- research funding and
- 14 trajectory and publications would have still been there.
- 15 I can't say what the decision would have been in that
- 16 circumstance, but the facts would have been the same and
- 17 the concerns would have been the same.
- 18 Q. So she still would have been early?
- 19 A. Correct.
- 20 Q. She would have met that answer based upon her
- 21 years of service, as you just recounted?
- 22 A. Correct.
- 23 Q. Is she -- would she have been at a different
- 24 standard for promotion than if she was -- than she was
- 25 at four years instead of at five years?

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- 1 early or to -- to justify the reason for cases submitted
  - 2 early.
  - 3 MR. NOTZON: All right. I need to take a
  - 4 quick break again.
  - 5 THE REPORTER: Going off the record at
  - 6 2:07 p.m.
  - 7 (Off the record from 2:07 to 2:17 p.m.)
  - 8 THE REPORTER: We're going back on the
  - 9 record at 2:17 p.m.
  - 10 Q (BY MR. NOTZON) Okay. Dr. Fenves, the --
  - 11 when Dean Wood was presenting Dr. Nikolova's case, did
  - 12 she state that she was present for the P&T Committee
  - 13 discussion; or did you just assume that?
  - 14 A. I don't recall if she stated it. Usually, the
  - 15 deans don't.
  - 16 Q. Don't state it?
  - 17 A. State it.
  - 18 Q. Because it's a requirement?
  - 19 A. Because it's an expectation of the guidelines.
  - Q. And just to close out that one issue,
  - 21 Exhibit 38, the last document, if you could, look at
  - 22 that.
  - 23 A. Yes, I have it.
  - 24 Q. Go to page 3.
  - 25 A. Page 3. Okay.

128 126 1 Q. And look at the top there, the last sentence

6

8

9

- 2 of B, the first paragraph of B.
- 3 A. Yes, I see it.
- 4 Q. Okay. And that's just -- that's the guideline
- 5 that explains -- that says the accelerated consideration
- should be explained; and it doesn't use the word
- 7 justified or any other word, correct?
  - A. That's correct, yeah. And, if I may, I also
- 9 want to say sometimes there's terminology that's a
- 10 little interchangable by years in rank and years in the
- 11 probationary period. So you can see that then says,
- 12 "Cases considered before the sixth year in rank are
- 13 accelerated," but the next one is "no later than a six-
- year probationary period." And we use -- we typically 14
- use those terms interchangeably. So when I say "in
- rank," I'm meaning counted according to the policy as 16
- the probationary period. 17
- 18 Q. Yeah, in rank at UT?
- A. At UT, correct. 19
- 20 Q. It's ambiguous because there are assistant
- 21 professors that are ranked at the other institutions as
- well, but I understand what you're saying. But thanks 22
- 23 for the clarification because it can get confusing
- 24 So going back to the reasons for denying
- 25 Dr. Nikolova tenure, the funding sustainability and

- 1 subsequent page, the following page.
- 2 Q. Okay. 16339 and 40?
- 3 A. Correct.
- 4 Q. Okay.
- 5 MR. NOTZON: We'll make that Exhibit 39.
  - MR. SCHMIDT: Robert, do you want me to
- 7 hunt that down and pull out those two pages?
  - MR. NOTZON: That would be great.
  - MR. DOWER: Robert, I may be able to send
- 10 the full dossier in case, as we go through this, we're
- 11 jumping around in the dossier; But I don't want to
- 12 interrupt --
- 13 MR. SCHMIDT: I have the full dossier. I
- 14 could -- I haven't actually uploaded things myself yet
- on this, but I can probably upload the full dossier if
- that helps. But it -- there are different numbers. I 16
- think I have it at Bates number, like, 1 through
- 18 something or other.
- 19 Ben, is your dossier that you have at the
- 20 same numbers that Dr. Fenves is looking at?
- 21 MR. DOWER: I believe so. And what that
- 22 tells me is that we produced to you -- produced the
- dossier more than once.
- 24 MR. SCHMIDT: Probably, yeah.
- 25 MR. DOWER: Yeah.
- 1 trajectory and publication record, I'd like to get a
- 2 little more detail from you since you've had an
- opportunity to go through dossier and the documents.
- Could you explain what about her funding sustainability,
- 5 and trajectory into the future was an issue that was too
- 6 much for you to bear?
- 7 MR. DOWER: Objection, form.
  - A. I can explain the basis for my statement that
- we were concerned and I was concerned, as President,
- about her research funding, current funding and 10
- 11 trajectory.

8

- Can you pull up the dossier that has the 12
- 13 information?
- Q (BY MR. NOTZON) I have -- I don't have the 14
- entire dossier; but focusing on Dean Wood's statement, 15
- Exhibit 2, that is in front of you. 16
- A. Oh, well, that's -- so if I understand your 17
- question, you were asking me what was the basis for my 18
- assessment on funding and trajectory. So I would like 19
- 20 to go to the dossier since that was reviewed at the time
- 21 in the case. I have it in front of me, so I can
- 22 reference it by page number.
- Q. Sure. Go ahead. What is that? 23
- 24 A. So I'm currently looking at the document
- 25 that was provided to me, UT Austin-0016339, and the

- 127 129 President Fenves, does your dossier for
  - her have a change in rank form at the top that starts
  - 3 16304?
  - 4 THE WITNESS: Right.
    - MR. DOWER: Okay. So --
  - 6 MR. SCHMIDT: And it goes through what
  - 7 page?

- 8 MR. DOWER: Oh, sorry.
- 9 MR. NOTZON: Let's go off the record for
- 10 this discussion.
- 11 THE REPORTER: We're going off the record
- 12 at 2:23 p.m.
- 13 (Off the record from 2:23 to 2:27 p.m.)
- THE REPORTER: We're going back on the 14
- 15 record at 2:27 p.m.
- 16 (Exhibit 39 marked.)
- 17 Q (BY MR. NOTZON) Okay. I'm looking at -- oh,
- the summary sheet. Okay? Research Summary 339 and 40. 18
- Okav? 19
- 20 A. Correct.
- 21 Q. Go ahead.
- 22 A. Could I ask the question be repeated?
- 23 Q. Sure. I think the question was: Why did you
- deny tenure on the -- on the basis for funding
- sustainability and trajectory? And I wanted some

1 details about that; and you said, "Let me go to the 2 dossier."

3 A. So in engineering, research funding from 4 external sponsors with a high preference, especially in 5 electrical and computer engineering for federal agencies that sponsor research, is a very important criterion for 7 advancement of faculty, including promotion and tenure in faculty advancement. The funding is needed to 9 sustain a faculty member's research program, especially 10 to be able to recruit and support graduate students, 11 which are absolutely essential for recruiting -- the 12 funding is essential for recruiting the best graduate students and supporting them while they are doing their 13 14 research under the supervision of a faculty member, with the sponsorship of the granting agency.

15 16 So there's a very high consideration for 17 research funding; and at the time of consideration for promotion to tenure, we like to see a positive 18 trajectory, meaning that over the time of the 19 20 probationary period, the research portfolio has 21 demonstrated ability to be successful in competitive 22 peer-review grants from federal funding agencies; and 23 is -- Number 2, is sufficient to be able to support a strong research program of a faculty member and we have

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October 1st, 2017 to September 30th, 2021. This is the

2 only active grant that she had in the next academic

year. The funding level, I would call very modest. Her

portion was \$479,000 for a four-year period, so roughly

\$120,000 of grant funding a year, which is -- especially

in ECE, it's a very modest level of funding.

7 If we go to Table 3, those are grants 8 that she had received that had already been completed

and no longer active and so couldn't support research.

10 Table 4 is Pending External Grants and

11 Contracts. Typically, at the time of promotion, we

would like to see the faculty member have a good

pipeline of pending grants that's showing active

research; it's showing turning research ideas into

proposals for funding agencies and -- and gives us

confidence that there's not only sustainability at the

current level, which, based on these funding numbers, is

modest; a trajectory that's improving, which is what we

would like to see for faculty at the associate professor

20 rank

21 Table 4, which is the information we had 22 at the time the case was considered, has one pending

grant. This is from the Department of Energy. I don't

know the specifics of this program, but this looks like

a total funding level of \$10 million and a large number

131 133

1 that that will continue through evidence of submitting

confidence that after approval of promotion and tenure

2 proposals and successful grants for a number of years

past the promotion case. So that's the reason that this

4 is important.

25

5 Now, looking at page 166 -- excuse me --6 16339 in Table 2, Table 2 is a listing of Dr. Nikolova's current external grants -- so sometimes we refer to those as extramural grants -- from funding agents and contracts awarded. There are three that are listed in 10 that table.

11 The first one, the grant period was 12 essentially over at the time. It ended in 9/30/2018, so

13 essentially over at the time of the review. 14 The second grant, the CAREER award that Dr. Nikolova had received, a very prestigious award from 15

the National Science Foundation, received while she was at Texas A&M, was going to expire in April 30th, 2019. 17

So, again, I'd have to look at the timing; but that

would -- that would be about the -- about the time this 19

case was being considered and before September 1st,

21 2019. So if she were to be promoted, that grant would

have expired. 22

23 The only active grant that Dr. Nikolova 24 would have -- would have had in the next year was an NSF-funded grant that would have -- it went from

1 of coinvestigators. This would be what would be called

2 a center-type grant, that was not based at UT Austin. So the PI appears to be at the University

of Minnesota and had agreed, if funded, to have a

subcontract to Dr. Nikolova UT Austin. The funding

level over a four-year period, if it had been granted --

and we would know by now; I don't know what the status

of that grant application was -- would have been

\$400,000, or about a hundred thousand dollars a year.

10 So as the Committee would have reviewed this same document at that time, we would have seen a

modest level of current funding at about 120,000 a year.

We would have seen only one grant pending at even a

slightly lower funding level. So these were the

15 concerns about the level of funding and the trajectory.

16 Q. And were any considerations made as between

17 the applied and theoretical distinction of her research?

18 A. So, yes, there are. So we use a different set

of terms. We think of experimental or laboratory-based

research compared with theoretical or computational-

21 based research; and, certainly, for experimental and

22 lab-based research, there's much higher funding levels

23 needed to operate a lab.

24 She does theoretical and

computational-based research, which is a much lower

1 level; but there is still the expectation that they are

- 2 supporting graduate students. Depending on the
- 3 particulars, an annual support for a graduate student
- 4 can be 60- to \$80,000 a year. So the rule of thumb is
- about \$100,000 a year can support one graduate student
- because there are other cost associated beyond the
- 7 graduate student.
  - Q. And how many graduate students was she
- supporting in her time at UT prior to being considered 9
- 10
- 11 A. So at the time I'd have to go back and refer
- 12 to -- and I -- if it's in here. So I have to find out.
- She had a number of graduate students. Some of them 13
- were supported by the Department, which is often done 14
- 15 for assistant professors to help them get started on a
- 16 research program; but as a faculty member develops their
- research program and becomes tenured, the Department 17
- 18 can't support all the graduate students for the faculty
- member. So I don't know how many were specifically 19
- funded off of her current grant at the time the case was 20
- 21 considered.

1

- 22 Q. Do you know if there was any consideration
- 23 made regarding any changes to the field during this
- 24 period of time that reduced funding from federal
- 25 agencies in the 2016 to 2020 time period?

Q. Well, wait. Before we go there, the statement

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- that you said about funding sustainability and
- trajectory, that's also included in Dean Wood's
- assessment; is that correct, Exhibit 2?
- A. Exhibit 2. Let me come back to that.
- Q. If you look on page 4, the top of page 4.
- 7 A. She does say, "I have concerns about the
- sustainability of her research program. These concerns
- are compounded by the fact that both her teaching and
- her external funding have dropped since she spent the
- 11 sabbatical semester at Berkeley in 2015."
- 12 Q. Okay. And so that is in line with what you're
- 13 saying?

6

- 14 A. That's consistent with -- with my testimony.
- 15 Q. Okay. And you had said that part of your
- 16 decision-making was in compliance with what Dean Wood's
- 17 recommendation was?
- 18 A. We were in agreement on this point.
- 19 Q. Okay. All right. Go ahead and move to the
- publications. 20
- A. Uh-huh. So if I reference the same page in 21
- 22 the research summary, the first table, Table 1, on
- 23 research summary --
- 24 Q. Okay.
- 25 A. -- at the time the case was considered --

- A. I don't recall any discussion. Her work on 2 network analysis is a very hot topic. So I don't think
- there was any discussion that this was a subject that --
- topic in an area of research that was going to decline
- 5 soon in interest and importance and attention from
- 6 federal funding agencies.
- Q. And do you know if Dr. Nikolova was told at
- her initial review whether or not her funding was
- insufficient at that time and needed to be augmented?
- A. Could I ask you to clarify what you mean by 10
- 11 initial review?
- Q. The mid --12
- A. Third-vear review? I don't know. I'd have to 13
- go -- it's in the dossier. I'd have to go back and 14
- refer to the third-year -- the third-year report. 15
- 16 Q. Okay. So closing out the detail that you're
- providing on the basis for denying tenure on the funding 17
- sustainability and trajectory issue that you had, is 18
- there anything else that you want to add to that 19
- 20 testimony?
- 21 A. Not related to funding.
- 22 Q. Okay. Let's go ahead and move to the
- publication record detail supporting your -- that you 23
- 24 based your decision to deny tenure on.
- 25 A. Uh-huh, okay.

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- Q. Just to be clear -- just to be clear,
  - Dr. Fenves -- sorry -- it's Exhibit 39: and we're on
  - page -- we're still on page 16339?
  - A. Correct.
  - Q. Okay.

- 6 A. So the top two lines in Table 1 showed that
- Professor Nikolova has published -- had published three
- papers in time and rank; and in this context, time and
- rank means time as an assistant professor at UT and
- Texas A&M. And we can go back to her CV and count the
- 11 three papers. She has papers before she joined A&M
- during her time as a post-doctoral researcher at MIT.
- 13 Peer-reviewed conference proceedings as an assistant
- professor, A&M and UT, a total of 18. 14
- 15 Now this -- in her field, in
- 16 optimization, computer science weight finding, there is
- a strong outlet, important outlet in referee conference 17
- proceedings; but journal publications are also
- important. Those are journals of record and that --19
- much more so than conference proceedings, which tend to
- be a more fast-moving, fast-changing field, like she was
- working in; they're also highly-funded fields, in
- 23 reference to an earlier question.
- Three journal papers is a low number: and
- in combination with 18 referee conference papers is a

1 generally -- is a modest -- is a modest number is the

- 2 way I'll say it. So there's nothing -- there was
- 3 nothing obvious that this is a strong publication record
- 4 that was getting the results of research out into the
- 5 field and the profession.
  - Q. Okay. Anything else --
  - (Simultaneous speakers.)
- 8 A. I'm sorry.

6

7

- 9 Q. Go ahead.
- 10 A. The total citations -- and this is a
- 11 somewhat -- there are different ways of measuring
- 12 citations. What are citations? That means other papers
- 13 are referencing specifically the work of the author, in
- 14 this case, Professor Nikolova. They're a measure of
- 15 impact. Web of Science is one measure. Google Scholar
- 16 is much more encompassing; although, we tend to use that
- 17 more now because it's more easily accessible.
- 18 Under a thousand citations is an -- is an
- 19 okay record. It's not spectacular, and I think there
- 20 were some comments about that we showed -- that we
- 21 looked at in the review of the P&T Committee. But those
- 22 are total citations including work done prior to
- 23 becoming an assistant professor, and I think Dean Wood
- 24 had a footnote that 130 or so of the citations were from
- 25 some highly-cited work that she had done at MIT, with

- 1 context that Dr. Nikolova's productivity and publication
  - 2 is substandard or mediocre in the field?
  - 3 A. I didn't say substandard or mediocre. I said

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- 4 it is -- it is --
- 5 Q. Not acceptable for tenure?
  - A. It's not acceptable for tenure is the best way
- 7 to do it.

6

- 8 (Simultaneous speakers.)
- 9 A. Okay. So the practice in electrical computer
- 10 engineering is the chair of the department, Dr. Tewfik,
- 11 would do an analysis; and that is in the dossier. And
- 12 so, you know, we would look at that. So that's -- that
- 13 is in the dossier.
- 14 Q. Okay. And -- and can you pull that up and
- 15 show where he criticizes her productivity in
- 16 publications in context --
- 17 A. He does not criticize it. He has a favorable
- 18 comparison.
- 19 Q. Okay. So where is -- where is the evidence
- 20 that, in her field, in her specific genre, that her
- 21 productivity in publications is lacking, compared to
- 22 others?
- 23 A. It's based on multiple levels of review,
- 24 having reviewed lots of cases over the years, our
- 25 understanding of what the expectations are.

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- 1 her post-doctoral sponsor, I assume, prior to becoming
- 2 an assistant professor.
- 3 So this was, overall, a modest measure of
- 4 impact through -- through citations.
- 5 Q. Okay. Anything else?
  - A. On publications, no.
- 7 Q. Okay. So to follow up on these issues, I
- 8 don't see any context here where you say that's not good
- 9 for someone in her field.
- 10 A. Uh-huh.

6

- 11 Q. I don't see any context where someone who has
- 12 gotten tenure at -- in the same exact field as her at
- 13 some other peer institution had substantially more --
- 14 double, triple, whatever, anything like that -- as a
- 15 basis to criticize her productivity.
- 16 A. So this is based on many years of promotion
- 17 and tenure. The Dean -- I don't know how many cases
- 18 they were doing in engineering; somewhere between 20 and
- 19 30. So there's a -- there's a -- we have a good
- 20 understanding, reading -- a good understanding of what
- 21 the expectations are; and the external letters are also
- 22 factors that we look at in providing that context.
- 23 Q. Would it be accurate what I said? Is that
- 24 true that there are no statements putting these numbers,
- 25 this publication productivity that you criticized, into

- 1 Q. That includes the review of the Budget
  - 2 Council, the Chair, the P&T Committee, all of whom have
  - 3 this wealth of experience in reviewing tenure cases,
  - 4 too, correct?
  - 5 A. They had a lot of experience; and in this
  - 6 case, I disagreed with them.
  - 7 Q. And I'm trying to find the data that goes
  - 8 beyond you saying, "Trust me. I know that this
  - 9 productivity for this area is not enough," whereas, all
  - 10 these other people -- and I would argue that the Budget
  - 11 Council is a lot closer to her area of expertise than
  - 12 you are about their acceptance of that productivity.
  - So that's what I'm trying to ask you.
  - 14 Where is the objective evidence that your assessment
  - 5 that it's not good enough is based on?
  - 16 MR. DOWER: Objection, form.
    - A. This is a -- this is a qualitative assessment
  - 18 that takes place at the University President's -- at the
  - 19 President's Committee -- I use those terms
  - 20 interchangeably -- subjective assessment based on our
  - 21 years of experience of looking at cases.
  - 22 Q. (BY MR. NOTZON) Okay. So we have to take
  - 23 your word for it?
  - 24 MR. DOWER: Objection, form.
  - 25 A. My decision is based on the years of

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1 experience in looking at cases and what the expectations

- 2 are for promotion and tenure at UT Austin.
- 3 Q. (BY MR. NOTZON) So that would be a "yes" to
- 4 my question?
- 5 MR. DOWER: Objection, form.
- 6 A. Could you repeat the question?
- 7 Q. (BY MR. NOTZON) Sure -- or let me ask it a
- 8 different way. My prior question was that we have to
- 9 take your word for it. Asking it in a different way,
- 10 you don't have any evidence, data, to compare
- 11 Dr. Nikolova's productivity in publication that you say
- 12 is insufficient for tenure that we can look at to
- 13 compare her to someone else or some other people that
- 14 received tenure that had substantially more productivity
- 15 than her?
- 16 A. That's correct. I don't have specific data
- 17 that I based my professional judgment on over years of
- 18 experience.
- 19 Q. And we don't have any evidence that you have a
- 20 basis for understanding what her productivity -- why her
- 21 productivity that's on the page here in Exhibit 39 is
- 22 somehow less than somebody else that would be in her
- 23 field?
- 24 A. I don't have the specific data for that.
- 25 Q. And you didn't have it back in 2019, either,

- 1 A. So this would be 16405 and 16406.
  - 2 Q. Go ahead.
  - 3 A. So this is from Patrick Jaillet, who I don't
  - 4 know; but I do know he's a senior faculty member at

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- 5 Massachusetts Institute of Technology. So, first of
- 6 all, in his overall comments -- he has a number of
- 7 comments -- and let me preface this by saying, having
- 8 read thousands of letters and -- not as active as I
- 9 used to be -- but writing letters of evaluation for
- 10 decades, there's a typical terminology that many letter
- 11 writers -- not all -- but many letter writers use that
- 12 has a progression to evaluate some aspect of a case.
- 13 And so that typical language is weak, modest, solid,
- 14 strong, outstanding, exceptional, typically is what
- 15 you'll see as the language. So, again, weak, modest,
- 16 solid, strong, outstanding, exceptional; and so that's
- 17 typically the kind of gradation of evaluation that they
- 18 would use.
- 19 And so Jaillet sees her overall record to
- 20 be a strong one. So, you know, it's -- that's sort of
- 21 in the upper range there; but it's not outstanding.
- 22 "Her publication record is very good." My
- 23 interpretation is that that's a fairly weak statement
- 24 about her publication record, very good, because, again,
- 25 if you go through that -- that progression. "Contains

- 1 did you?
- 2 A. Yeah. In 2019 I did not have that data, nor
- 3 do I have it now.
- 4 Q. All right. Is there anything else that you
- 5 would point to -- to that you relied on to decide not to
- 6 provide Dr. Nikolova tenure --
- 7 A. Well, the external letter -- I'm sorry.
- 8 Q. -- in agreement with Dean Wood?
- 9 A. So the external letters are very important at
- 10 each step of the evaluation, but it's something that the
- 11 President's Committee pays a lot of attention to; and
- 12 there were some concerning statements in some, not all,
- 13 but some of the external letters.
- 14 Q. All right. Do you want to point those out to
- 15 me?
- A. I have the dossier in front of me if you want
- 17 to pull up the documents.
- 18 Q. Well, I don't know which ones you're talking
- 19 about. So --
- 20 A. So it's --
- 21 Q. -- if relying on some external reviewers, then
- 22 please point them out to us.
- 23 A. So let me start with the letter from MIT.
- 24 Q. And just give us the Bates number at the
- 25 bottom. This is all in Exhibit 39.

- 1 solid papers," now, solid papers are, to me, are average
  - 2 or a little bit above average. They're meaningful, but
  - 3 just at about average or a little above average. Then
  - 4 getting to research funding, "She has a good track
  - 5 record." You know, again, that's a fairly -- that is
  - 6 not a strong recommendation, a good track record. And,
  - 7 "Seems to be a talented mentor," but that has to do with
  - 8 graduate instruction.
  - 9 Then he begins his conclusion at the
  - 10 bottom of 6 -- 16405, "I'd say that her record is on par
  - 11 with recently tenured cases." So "on par," again, I do
  - 12 not interpret that as a -- as a terribly strong
  - 13 recommendation.
  - And then he goes on to say he would put
  - 15 her in the top 20 percent of those who have been
  - 16 evaluated and subsequently received tenure. So that's
  - 17 good, but it's -- we often see recommendations that put
  - 18 a percentage in the top 2 percent, 5 percent, 10
  - 19 percent. So 20 percent is not a terribly strong case;
  - 20 and, of course, he doesn't provide any specifics.
  - 21 So that's the MIT letter.
  - 22 Q. Hold on --
  - 23 A. Okay.
  - Q. -- before we go to the next one. He's saying
  - 25 on par with people that received tenure --

146 148 1 A. Yeah. 1 record at 3:00 p.m. 2 Q. -- at peer institutions? 2 Q (BY MR. NOTZON) Okay. Dr. Fenves, just to 3 A. Uh-huh. 3 complete this --4 Q. Correct? 4 MR. DOWER: Oh, are we good, Bob? 5 A. That he's had to review. He gives some 5 Sorry. I think Bob -examples that are peer institutions, that's correct. 6 MR. SCHMIDT: I just -- I just now got 7 Q. Georgia Tech, USC, MIT, and Northwestern are 7 on, so thank you. Yeah. 8 all peer institutions, correct? 8 MR. NOTZON: Okay. 9 A. Correct. 9 Q (BY MR. NOTZON) All right. Professor -- I 10 Q. They're in the top 10 or 15 percent nationwide 10 mean, Dr. Fenves, completing the Professor Jaillet's programs, correct? 11 11 letter, you said you don't know this guy. Have you ever 12 A. Northwestern, I'm not sure about; but the reviewed his letters for other candidates? 13 other three, yes. 13 A. I can't recall that, but it's highly likely 14 Q. Okay. And when he says he's on -- she's on 14 that his letters have been -- he had letters for other 15 par with those tenure cases, where does it say that she 15 candidates, but I don't recall them. 16 needs to be better than people that receive tenure at 16 Q. And you didn't compare his letters for other 17 peer institutions? 17 candidates with this letter, correct? 18 A. He's not saying that. It's just -- he's --18 A. I did not. on -- "on par" means -- to me, is about average; and --Q. And so this -- this thousands of letters that 19 you know, and coupled with the comments on the 20 you've reviewed, there's no handbook of terminology that exists out there, right? This is -- this is your publications and the research funding and then the trajectory question -- I left that off, the next seat-of-the-pants assessment of this letter, correct? 23 paragraph -- "Trajectory is very good." That, again, is MR. DOWER: Objection, form. 24 not a strong recommendation. 24 A. There is no handbook, that is correct. I've 25 MR. NOTZON: Object as nonresponsive. been involved with promotion and tenure cases for over 147 149 Q. (BY MR. NOTZON) My question is that it's on 1 30 years, most of that with engineering faculty and in 2 my role on the President's Committee have seen at least 2 par with people that received tenure. Where -- my 3 question is: Where does it say at UT that to get tenure 3 4.000 letters. 4 at UT, you've got to be above the people that get tenure 4 Q. (BY MR. NOTZON) So you're -- you should be 5 at peer institutions? 5 really good at math because you're an engineer, right? 6 A. It doesn't say that. 6 MR. DOWER: Objection, form. 7 7 Q. Okay. So -- so when you say "average," she's You can answer. not an average performer in the field. She is on par 8 A. I am an engineer. My math skills have and average with other people that receive tenure at 9 degraded with time. peer institutions, correct? 10 10 (Laughter.) 11 A. That's what the statement says, correct. 11 (BY MR. NOTZON) But concepts -- mathematical 12 Q. Okay. And then he says, "I offer my full 12 concepts are right up your alley? 13 support." Is that also a negative comment? 13 A. I'm -- I'm proficient in math. Q. Yes. And -- and you're proficient at reading 14 A. So we often see recommendations like that. We 14 aren't asking for them -- we're asking for their 15 promotional review letters from references? 15 16 assessment; we're not asking for their recommendation. 16 A. I believe I am. 17 17 Q. Okay. Would it be accurate that different Q. So you don't see those as the same thing? 18 A. No. 18 people use different terminology in different ways? 19 Q. All right. A. That is correct. 20 MR. NOTZON: Let me take a quick break 20 Q. How do you get -- when he says she's on 21 again. 21 par with recently-tenured cases, as average, when he 22 THE REPORTER: We're going off the record 22 also says in that same paragraph that she's in the top 23 23 20 percent of people that have received tenure of the at 2:58 p.m. 24 (Off the record from 2:58 to 3:00 p.m.) 24 people that he's reviewed? 25 THE REPORTER: We're going back on the 25 A. As I said, in comparison, we've often -- we

1 often seen cases where the letter writer says the

- 2 candidate's in the top 1 percent, 2 percent, 5 percent,
- 3 10 percent. We don't have a percentage cutoff in these
- types of assessments.
- 5 Q. And it's 1 percent, 2 percent, of what?
- 6 That's what's important, correct?
- 7 A. Typically the percentage is of faculty that
- are -- that have been considered and have been promoted 8
- 9 at peer -- peer schools or departments.
- 10 Q. Again, there's no rule that that's the
- 11 percentage that they're talking about that you're
- 12 referencing in the abstract, right?
- 13 A. There is no rule, correct.
- 14 Q. Okay. So -- and in this letter, he says top
- 15 20 percent of all those that have received tenure. So
- he's still referencing the tenured position, and he's
- not saying the average. He's saying the top fifth? 17
- 18 A. Yes, he is, correct --
- 19 Q. Okay. And top --
- 20 A. -- the ones he's reviewed.
- 21 Q. Top fifth is nowhere near average, correct?
- A. "On par," to me, is not a strong endorsement. 22
- 23 Top 20 percent is stronger; but we have seen, after
- reviewing many cases, cases that are characterized by
- external reviewers as much higher percentages.

- want to see -- determine the level of international
  - impact that a candidate is having and attention they're

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- getting. So this was a letter that was submitted from
- Professor Schulz.
- 5 So on the second page, 16415, at the top
- of the page, discussing the publication, he makes a
- 7 statement that, "She may not have had what one may
- typically consider a home-run paper, but with meticulous
- work she has certainly helped to bring this research
- direction forward." My interpretation is that's a
- fairly weak -- weak recommendation. Detailed --
- 12 "meticulous work," helped move something forward is not
- a strong -- strong endorsement of the impact of the 13
- 14 paper.
- 15 The second paragraph begins,
- 16 "Dr. Nikolova has only four journal publications..." We
- would count three as an assistant professor at UT Austin
- and Texas A&M. And he goes on to say, "...which would
- be very few in any environment in which this would be
- 20 the main measure of success." So he's making a
- statement that this is a few number, and he's qualifying
- it because he doesn't know how important that is as a
- measure. And journal publications are an important
- measure, but then he does say that, "Three of the four
- 25 papers" -- and I don't know if it's three of the three

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- Q. And nobody's taking anything away from those 1 2 people.
- 3 A. Uh-huh.
- Q. I'm just saying there is no requirement
- 5 that to get tenure at UT, you have to be in the top
- 10 percent or 1 percent of people in the country that

A. That is correct, there is no -- there is no

- receive tenure, correct?
- 9 cutoff.

- 10 Q. So I -- okay. We'll move on. What's your
- 11 next criticism of Dr. Nikolova's file?
- A. Well, the question is: What was it in the 12
- external letters that raised concerns in the promotion 13
- 14 and tenure case?
- 15 Q. For you.
- 16 A. For me, yes.
- 17 So there's a letter from a
- 18 Professor Schulz at Technical University of Munich.
- Q. Bates number? 19
- 20 A. It is 16413 to 16415.
- 21 Q. Go ahead.
- 22 A. Now, just as background, we do have a general
- expectation that a candidate's promotion to assistant --23
- excuse me -- associate professor with tenure has at
- least one reference outside the United States because we

- 1 in -- as an assistant professor or two of the three --
- "are in top journals." And that's a positive factor
- that the papers are being put in -- in top journals.
- 4 Then he goes on to something that's
- 5 important in this field, referee journals -- excuse
- me -- refereed conference proceedings, "...of which she
- 7 has many more." That was the 18 number that we talked
- about. 8
- 9 But then there are some concerns that --
- that are discussed in the remainder of the paragraph, 10
- 11 that they are going into top specialty conferences, such
- as algorithmic theory, which is good; but the
- 13 implication is those are good if one chooses not to be
- in the general theory conferences, which gets much wider 14
- 15 attention and impact because of the scope of those
- conferences. So those are -- those are concerns about
- the number and the impact of her journal publications 17
- from the perspective of this international reviewer. 18
- 19 Then the final sentence in his letter is,
- "All in all, I would encourage you to seriously consider
- promoting Dr. Nikolova to Associate Professor with
- Tenure." And we see these phrases many times, and
- that's -- that's a polite way of saying they're
- recommending you considerate; but it's not a -- it's not
- an overall positive assessment.

1 Q. So, before, you said, "We're not looking for a

2 recommendation; we're looking for an assessment"?

3 A. Right. And that's not a recommendation. I

4 put that in the category of an assessment to seriously

5 consider.

6

Q. Right. So if he was saying something strong,

7 in your opinion, he would have said ...?

8 A. So we've seen -- we see statements like this.

9 Again, I've reviewed thousands of reference letters; and

10 this is a polite way in a reference letter that they're

11 recommending we look at it but don't say anything more

12 than that.

13 Q. Don't say anything what?

14 A. They don't say anything more than: I

15 recommend you looking at the case.

16 Q. And this is a German individual?

17 A. I don't know his nationality, but he's at the

18 University of Munich in Germany.

19 Q. With a name like von Humboldt?

20 A. Well, that's his title of his --

21 Q. Oh.

22 A. -- professorship. His name is Andrea Schulz.

23 Q. Which is -- sounds German.

24 A. And the University of Munich is a very good

25 university.

1 works in and teaches in?

2 A. There's nothing wrong with publishing in a

3 top conference in a specialty. The point is, it doesn't

4 get -- those papers don't get as much attention and

5 don't have as much impact as publishing a theory paper

6 in one of the large general conferences that have

7 higher -- excuse me -- lower acceptance rates.

Q. So there's really nothing negative about that;

9 it's just not "blow your mind"?

10 A. That's correct. It's -- that's a fair

11 characterization. It's -- it's what we would expect an

12 assistant professor to do. In the categories I used, I

13 call this solid. This would be a solid performance

14 in publications in conferences, which is an important

15 dissemination out- -- dissemination outlet, a form of

16 dissemination for this field.

17 Q. So you would agree she -- this professor is

18 not trying to excuse her mediocre performance. He's

19 saying she -- in your opinion, this sentence says she's

20 not in the top tier in the world; she's in the top

21 conference for that specialization?

22 A. He's saying that she is not published in the

23 important general conferences in theory.

24 Q. But she is in the top conference for that

25 specialization?

155

Q. And have you ever compared letters from him

2 before?

3 A. No.

4 Q. Okay. And where is the criticism of her

5 presenting at game theory -- algorithmic game theory

6 conferences?

7 A. So it's -- it's -- again, these letters are

8 often worded very carefully; and, again, I have lots of

9 experience having read these letters. So the sentence

10 at the bottom of that first full -- last sentence of

11 that first full paragraph on page 16415, I'll quote.

12 "As mentioned before, ACM EC is the top conference in

13 algorithmic game theory" -- so it's a specialty

14 conference sponsored by ACM -- "if one does not choose

15 to submit or get into" -- meaning have an accepted paper

16 into -- "general theory conference such as STOC, FOCS or

17 SODA," which is a very widely-known conference in that

18 field, in theory. What the point is -- he's making is

19 she's publishing in top specialty conference. She is

20 not publishing in the conferences that get a lot more

21 attention -- the general conferences that get a lot more

22 attention in theory, computational theory.

23 Q. So she could have done better; but there's

24 nothing wrong with the fact that she was in a top

25 conference in that specialty, which is the specialty she

1 A. For that special field, correct.

2 Q. So there's nothing wrong with that?

A. There's nothing wrong with it. The question

4 is, as we're looking at the overall publication record,

5 the impact that it's having -- that it's having and the

6 attention that it's getting. This is a statement that

7 at this point, it is limited to -- to the specialty

8 conference topic in algorithmic game theory.

9 Q. And that's what she's -- that's what she's

10 working in, correct?

11 A. That is correct.

12 Q. That's her specialization?

13 A. That her specialization.

14 Q. Okay. Next.

15

17

A. Let me thumb through my notes here. I think

16 the third one is from Cornell, page 16418 and 16419.

Q. Okay. And just to insert a question here,

18 we're going through these letters. And is it your

19 testimony that the decision to not grant her tenure, you

20 remember it being based on these points; or are these

21 points that you have read through the dossier, with the

22 help of others, in the interim months and years since

23 the decision to deny her tenure?

A. So I had no help in reviewing this document.

25 I do not remember the specifics of the discussion on

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1 this case when it occurred in 2019. I'm identifying

- 2 these from my recent review of the case, but I would
- 3 have read these letters at the time the case was
- 4 presented to the President's Committee.
- 5 Q. Okay. And you've reviewed this dossier with
- 6 the understanding that Dr. Nikolova had filed a suit
- 7 against UT, complaining of gender discrimination,
- 8 pregnancy discrimination, retaliation, which also,
- 9 essentially, accuses you of the same discrimination
- 10 as -- and that's in your mind as you're reviewing this
- 11 document?
- 12 A. I'm reviewing the doc- -- document because of
- 13 the allegation in the lawsuit.
- 14 Q. And you know that you're, in part, being
- 15 accused of, if not discriminating against her, letting
- 16 the discrimination occur and continue?
- 17 A. I'm -- the University of Texas, and I'm being
- 18 accused in my institutional capacity. Yes, I
- 19 understand.
- 20 Q. Of either discriminating or allowing the
- 21 discrimination and retaliation to occur, without fixing
- 22 it?

1

- 23 A. In general, I understand that. I have not
- 24 read the claims in -- the specific claims.
- 25 Q. Okay. Go ahead to the next letter.

- 1 sentence that, "I believe that the body of work..."
  - 2 Q. Okay. I'm there.
  - 3 A. So, "I believe that the body of work is
  - 4 comparable in breath and depth to her peers approaching

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- 5 tenure decisions at their respective research-oriented
- 6 universities." So comparable is not a strong -- strong
- 7 word. The comparison group is approaching tenure
- 8 decisions, not --
- 9 Q. Right.
- 10 A. -- not has been granted tenure.
- 11 And then, the end of that sentence is a
- 12 sentence -- a type of sentence in an external letter
- 13 that -- that I and others -- and I don't recall
- 14 specifically -- but, typically, the President's
- 15 Committee will notice, "...that a tenure case of these
- 16 merits would have strong proponents at most top-10
- 17 departments." So this is a very weak statement that
- 18 there will be some proponents for this case at most top
- 19 departments. So that -- that, to me, is a -- is a
- 20 serious red flag.
- 21 Q. Okay. So maybe not at the top two schools,
- 22 but the rest?
- 23 A. I don't understand the question.
- 24 Q. Well, "at most top-10 departments" -- there's
- 25 ten departments in the top ten, right?

A. So this is David Shmoys at Cornell University.

- 2 There's a -- some narrative there about how he knows
- 3 Professor Nikolova, some -- a gen- -- general discussion
- 4 of her research area. We see these often in reviews.
- 5 Q. Is that a negative?
- 6 A. No, that's not a negative, just there's a lot
- 7 of text in there; but it's -- my point is it's often
- 8 very general, via few comments. So the -- the -- so I
- 9 don't recall what I -- what I did in 2019; but there is
- 10 a statement in the middle of that paragraph that, based
- 11 on my many years of doing this, would have caught my
- 12 attention. And the sentence -- the full sentence is, "I
- 13 believe that the body of work is comparable in breadth
- 14 and depth to her peers approaching tenure decisions at
- 15 their respective research" orientation -- "research-
- 16 oriented universities..." So comparable, the term
- 17 "comparable" --
- 18 Q. You lost me. Where are you reading from so I
- 19 make sure I'm following along?
- 20 A. Sorry. I'm sorry. This is page 16419.
- 21 Q. Okay.
- 22 A. The first full paragraph that begins, "The
- 23 impact of..."
- 24 Q. Okay.
- 25 A. So about halfway down into that paragraph is a

- A. "...at most top-10 departments," yeah. So it would have strong proponents at most, but not all
- 3 departments.

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- 4 Q. So that could be seven, eight?
- 5 A. I -- I can't say what he had in his mind.
  - Q. Well, it's not one or two?
- 7 A. It's somewhere between six and nine, I
- 8 suppose.

6

- 9 Q. Okay. And where is UT?
- 10 A. The ECE Department at this time, again, it's
- 11 somewhere in the top twelve. It may be top ten. It did
- 12 go up in rank, but I don't remember where it was at that
- 13 time.
- 14 Q. So the majority of the schools that are even
- 15 above UT?
- 16 A. In terms of the comparison set of departments,
- 17 that's correct.
- 18 Q. Yeah. Okay. So somehow you view that as not
- 19 deserving tenure?
- A. It is a red flag that it's not just comparison
- 21 of who has received tenure at, let's call it, half the
- 22 top twelve departments; but the case would have strong
- 23 proponents. That's a very weak statement. That means
- 24 that there would be some who aren't strong or some who
- 25 are against.

Q. And he -- and he provides further explanation

- 2 for his opinion to support UT being in one of those
- departments that would support her tenure?
- A. Well, I don't -- I'm not reading that into the 5 letter.
- 6 Q. Well, why not? It's the last -- the rest of
- 7 that paragraph goes into detail about his perspective
- and why he thinks she's a good bet.
- 9 A. Well, she -- he's talking in the next sentence
- 10 about her as a mentor. That wasn't a question in her
- promotion case. "...along with obtaining the research 11
- 12 support to maintain it," we question that premise, so
- 13 based on the data that was presented in the campaign.
- 14 "Her research agenda is a good one." A good research
- 15 agenda is not a particularly strong endorsement.
- 16 "I think that she is moving towards not
- 17 just attacking stylized models, but...trying to
- capture...real-world impact." That's good. And he 18
- 19 supports that process that she's doing.
- 20 She's articulate. There was never any
- 21 question about her ability to articulate. There was not
- 22 an issue in -- as I've stated in my decision to do not
- 23 promote -- on her classroom teaching. And he has a

And, then, finally, his concluding

3 consistent with the expected achievements required for

you know, doesn't sound to me as a particularly strong

Q. Let me ask you another side question to this

a mark of whether or not someone is endorsed by the

community is when letters are sent asking for references

that some percentage of the people don't respond, and

A. So if I understand your question, it's: How

do we view the number of declines or declinations for

Q. Is a declination viewed as an indication of a

A. So, the general answer is: No, we don't pay

reason we don't is that when I was an active researcher,

requests; and my personal policy was never to do more

attention to declinations. There's one exception to

that -- a possible exception I will mention -- and the

before I got into administration. I would get a lot of

requests for letters? Is that what your question is?

exercise. Isn't it true that one of the things that is

endorsement that she's reached the expectations for

4 tenure." "Roughly consistent" is not a term I hear -- I

5 can recall hearing; but that qualification "roughly,"

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tenure.

that's viewed negatively?

19 negative view of the person?

2 paragraph is not particularly strong. "...roughly

- 24 general statement about her potential for -- for
- leadership and her research in general.

- 1 than four reviews a year because of the time it takes.

  - 2 And so we recognize we're often going to the best people

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- 3 in the field who are often getting lots of requests, and
- 4 so there's no negative attribution for a particular
- 5 decline or even a few declines. The exception -- and
- this occurs rarely -- is when we see a very large number
- 7 of declinations, 10, 15 declinations. There, we do have
- some -- some concerns and do expect the Department Chair
- 9 and the Dean to explain a large number of declinations.
- 10 Q. Wouldn't there also be -- like you say, you
- 11 would only do four -- other people out there in the
- field that are only doing four; and they decide which
- four they're going to do?
- 14 A. Yes. I would decide which four I was going to
- 15 do. Sometimes it's first come first serve because they
- don't all come in at once and then you pick and choose.
- 17 So sometimes there's a timing aspect.
  - Q. Right. But -- but that's you.
- 19 A. I can only speak for how I did it.
- 20 Q. Others might -- because these timelines are
- fairly similar and the requests go out at about the same
- time, too, and so they can pick and choose and decide
- 23 which ones they're going to write the letters for?
- 24 MR. DOWER: Objection, form.
  - A. The time -- every university is on a somewhat

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18

- 1 different timeline. The letters can be requested early
- 2 fall, all the way to -- you know, all the way to the
- summer. I mean, it really depends. They don't all
- 4 necessarily happen at the same time.
- Q. (BY MR. NOTZON) Okay. Moving on.
- 6 A. So those are the three letters that, as I
- 7 reviewed the dossier in preparation for this testimony,
- 8 that had -- had items that I called to your attention.
- I don't recall the specifics; but I do know I looked
- through the letters thoroughly for -- for cases,
- especially for cases where there's a recommendation to
- 12 do not promote. So I would have seen those at the time
- of the review by the President's Committee.
- 14 Q. And none of the letters assessed Dr. Nikolova
- 15 as being unworthy of tenure, correct?
- 16 A. That is correct.
- 17 Q. And neither Professor Tewfik or Dean Wood made
- negative -- made comments about the letters of reference
- 19 being anything other than positive for Dr. Nikolova?
- 20 A. Well, Dr. Tewfik, I'd have to go back and
- 21 review his letter. I don't recall if he did. Dean Wood
- typically does not quote letters or make substantial
- comments of letters in her Dean's assessment. I do not
- recall -- I should say I do not recall a discussion with
- Dean Wood; but the general practice would have been,

1 given statements like I've discussed, to bring them up

- 2 for discussion with the Dean for the Dean's assessment
- 3 of those comments.

8

- Q. When you read Dean Wood's assessment of
- 5 Dr. Nikolova, Exhibit 2, did you see her referencing the
- point that Dr. Nikolova somehow changed in her
- 7 trajectory after the 2015-2016 school year?
  - MR. DOWER: Objection, form.
- 9 A. I'd have to go back to that. I think she --
- 10 the statement is the concerns that she discussed in the
- 11 last page of her assessment. These concerns are
- 12 compounded by the fact that her teaching and external
- 13 funding -- and we were primarily focusing on funding --
- have dropped since she spent the 2015 fall sabbatical 14
- 15 semester at UT. So that's -- that was her -- her
- statement about the change. 16
- 17 Q. (BY MR. NOTZON) Okay. And you see up in the
- 18 first page, that's the time where she had the -- she was
- at Simons Institute; and then the next semester it says, 19
- "Modified Instructional Duties"? 20
- 21 A. Correct.

2 in that period?

child?

A. I do not.

Q. Yes.

each year.

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- Q. And you understand that that's the year that 22
- 23 she had received the stop -- stop clock?
- 24 A. I -- I assume that's the case, but I'd have to

A. Right, I assume that's the case.

5 you know where she was at that time?

question what you mean by that?

you ever seen her use this kind of chart?

A. "Her," being Dean Wood?

Q. That she was pregnant and delivered in that --

Q. Okay. And the Modified Instructional Duty, do

A. Could she be at UT? Could you clarify in that

Q. Well, so, you see the -- the -- I guess the --

where it says UT Austin. UT Austin. UT Austin -- have

A. I don't recall, but it -- it's very possible.

She uses this as a graphic way to explain the status

Q. Showing that she's only been working at UT --

you can only count three years on the UT probationary

A. Well, it would have been four years, as -- as

24 in the cover sheet, because this doesn't include the

year in which it's being evaluated, 2018-2019.

Q. Could she be at UT and with modified

8 instructional duties due to her -- the birth of her

25 go back and check what year that was. 1 Q. Right.

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2 A. So she would have had four years towards her 168

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- probationary status at UT Austin.
- Q. Right. But she would still be work- -- she
- 5 could still be working. On Modified Instructional
- Duties, you're still expected to work, correct?
- 7 MR. DOWER: Objection, form.
  - A. Yeah. So I'd have to go back and review
- 9 the policies on Modified Instructional Duties. It's
- still -- the expectation is that faculty are still
- working on their research. They're just not in a
- 12 classroom, teaching with a schedule that requires a
- fixed schedule of a class; but they're -- they're still 13
- 14 employed by UT and still expected to be working on their
- 15 other non-teaching aspects.
- 16 Q. (BY MR. NOTZON) Which includes service?
- 17 A. Correct.
- 18 Q. And includes publication?
- 19 A. Now, let me back up. So service, let me
- correct that. I think Modified Instructional Duties 20
- also includes a reduction in service expectations at the
- department and university level, but I'd -- I'd have to
- go back and review those policies.
- 24 Q. But not elimination?
- 25 A. Again, I would have to go back and review

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- 1 those policies. I think the general practice was when a
  - 2 faculty member was on Modified Instructional Duties, we
  - were trying to eliminate, as much as possible,
  - requirements that they be on a fixed schedule.
  - Q. Right. Service isn't a fixed schedule, right?
  - 6 A. Well, service is typically committee service,
  - which has meetings that takes place on campus, sometimes
  - with specified frequency, or an expectation that they
  - would be in attendance at a committee meeting.
  - 10 Q. And mentoring students would still be there?
  - 11 A. Graduate students, generally, yes.
  - 12 Q. And let's go ahead and look at
  - 13 Professor Tewfik's assessment.
  - MR. NOTZON: I'm going to put it up on
  - 14
  - 15 the chat.
  - 16 Oh, my chat's disabled now. That's
  - 17 strange.

  - 18 MR. SCHMIDT: Give me a second. I am
  - 19 looking at it. Let's see.
  - 20 MR. DOWER: Robert. I think it's in the
  - 21 dossier. I think it's on 16309 --
  - 22 MR. NOTZON: Okay.
  - 23 MR. DOWER: -- if you just want to use
  - the same -- I think that's right. Yes, I think that's
  - 25 right.

16

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1 MR. NOTZON: That'll work.

2 THE WITNESS: 16 -- oh -- 309. I see.

3 Okay. Correct.

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4 Q. (BY MR. NOTZON) Okay. So does

5 Professor Tewfik say anything critical of Dr. Nikolova

in terms of her funding sustainability and trajectory or

7 publication record or the external reviews?

A. Okay. Let me go through this again.

Q. That's -- that's the question for you to

10 answer as you look through his letter.

11 A. So I'm looking at the middle of page 16312.

12 Q. I'm there.

A. And there's a one-sentence paragraph in the

14 middle of the page. It says, "Professor Nikolova well

funded by highly competitive peer-reviewed grants and

16 industry." I believe this is an incorrect -- this is

not a valid statement, based on the review of her

18 funding record, that in terms of current grants, with

19 only one would -- one have extended past the promotion

20 at a rate of about \$120,000 per year with one pending

proposal -- I don't know if that was granted or not --

that would have only funded another hundred thousand per

year. So I think this is a -- this statement is not

24 accurate. And this is concerning when we see department

25 chairs not address shortcomings in the case, and it

1 publications, and there's also -- he is only quoting the

2 positive comments from the letter without addressing

3 some of the comments that raised concerns -- that I

4 would expect would have raised concerns when we looked

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5 at the entire dossier.

Q. All right. Anything else?

7 A. No, I don't see anything else.

Q. Let's go ahead and go on to Topic 2, "The

9 tenure review decision process relating to the decision

10 to deny tenure to Dr. Nikolova as it relates to the

11 actions of the president and the president's committee."

12 I think we've already covered that. Do you agree? What

13 did you do, and who was there? And you didn't really

14 remember. And any comments that were made, and you

15 didn't really remember any details about that?

A. I don't have anything further to add.

17 Q. Okay. To the process that you utilized to

18 deny Dr. Nikolova's tenure?

19 A. I don't have anything further to add.

20 Q. Okay. All right. So the third topic,

"The tenure applications and decisions for other

tenure track faculty in the school of engineering made

23 by...President Fenves since Dr. Nikolova began at UT; to

24 further clarify, we seek a Corporate Representative to

25 provide testimony regarding the following comparators'

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1 reduces the credibility of the overall letter from the

2 Department Chair.

3 There's an issue that we talk about

4 regularly with the deans in meeting with the department

chairs that if there is a problem in the case, explain

6 it so that we understand it. This is a statement that

7 does not do that.

8 Q. In your opinion?

9 A. In my opinion.

10 Q. Okay. Keep going.

A. Then he goes through a comparison. This is 11

12 typical for Dr. Tewfik in his promotion cases. He

13 selects, generally, three or four other cases. I don't

14 know the methodology by which he picks them to compare a

candidate. And, generally, Dr. Nikolova, in a -- sort 15

of in the middle of a small number of cases that he has

selected, I don't find this particularly convincing 17

because of the small number -- you know, just look at

citations. Again, it's a very limited sample of only 19

four cases. It's right in the middle, with the

21 candidate the person from the University of Michigan,

who was promoted in 2012 with 2259 citations. I assume

23 that is at the time of promotion, but hard to tell from

24 the methodology that he uses.

25 There's no other analysis of 1 tenure applications and UT's decisions as to them," with

2 a list of names. And did you look at those dossiers?

A. I did.

4 Q. Is it accurate that you don't recall these

5 particular decisions that you made independent from your

review of those documents?

7 A. I don't recall the --

MR. DOWER: Objection, form. 8

A. I don't recall the specifics of any decision.

10 I recognize many of the faculty -- I should say a number

of the faculty members. Some of them I hired or had

promoted -- actually, I wouldn't have promoted any of

them, but had hired. There was one that stood out

because it's such an incredible record and I worked with

him on a major center proposal, but he was -- he was the

16 one that I knew the best.

Q. Who's that?

18 A. This would have been in ECE, Deji Akinwande.

Q. Okay. So of this group, he would be the 19

20 stand-out superstar?

21 A. Yes, but he's a superstar. I'd have to go

22 through the specifics of each case. He's the one I know

23 the best. Let me put it that way.

Q. Okay. Both in terms of him as an individual

25 colleague and him as an applicant on paper?

Appx.0412

2

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- 1 A. As an individual who has had a tremendous
- 2 publication record, funding record, and I'd put in the
- 3 category extraordinary leadership in a successful, major
- 4 center proposal at UT Austin.
- 5 Q. Most top ten schools would give him tenure?
- 6 A. Yes, I would say all top ten schools would
- 7 give him tenure.
- 8 Q. As far as you know?
- 9 A. As my -- my professional assessment is that if
- 10 his case were presented to a top ten department in
- 11 electrical and computer engineering, it would -- they
- 12 would award tenure.
- 13 Q. Okay. And you're currently at Emory?
- 14 A. Emory University, yes, correct.
- 15 Q. And is Emory a top ten school?
- 16 A. Emory does not have a school of engineering.
- 17 Q. Is Emory top ten in anything?
- 18 A. It's got some outstanding programs, yes.
- 19 MR. NOTZON: Object as nonresponsive.
- 20 A. Yes, they are top ten in individual programs.
- 21 Q. (BY MR. NOTZON) Please name them.
- 22 A. Biomedical engineering, nursing, the School of
- 23 Public Health, creative writing. I think our chemistry
- 24 department is either a top ten or very close to a top
- 25 ten.

1

- Q. So Emory's higher?
- A. In U.S. News & World Report rankings.
- Q. Okay. And have you ever participated in
- 4 promotional -- tenure promotional considerations at any

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- 5 top five schools in the country?
  - A. Well, at Berkeley, which is generally
- 7 considered, especially the College of Engineering, a top
- 8 two or three College of Engineering. I was involved as
- 9 a faculty member and then a department chair for five
- 10 years. And then, in addition, with the process at
- 11 Berkeley, I did serve on several, what they call, ad hoc
- 12 review committees for promotion cases.
- 13 Q. Let's look at the -- of the 14, which would be
- 14 these 13 and Dr. Nikolova, are -- do you understand that
- 15 each one of these was -- went up for tenure early except
- 16 for Dr. -- Professor Tiwari?
- 17 A. I'd have to go back and check, but I'll --
- 18 I'll agree that's correct.
- 19 Q. Okay. And is it accurate that none of these
- 20 individuals took a probationary extension year except
- 21 for Dr. Nikolova?
- 22 A. I would have to go back and look at each case.
- 23 Q. Okay. Would it be accurate that none of these
- 24 individuals gave birth or was pregnant during their
- 25 probationary period?

Q. And UT -- okay. And is that top ten in the

- 2 country or top ten for private schools?
- 3 A. Top ten in the country.
- 4 Q. And is UT -- when you were the president, were
- 5 they the top ten in anything?
- 6 A. Yes. Again, I'm doing this off the top of my
- 7 head -- well, let me ask a clarifying question: Within
- 8 engineering?
- 9 Q. We can start there.
- 10 A. Petroleum & Geosystems Engineering was either
- 11 Number 1 or 2. Civil and Environmental Engineering was
- 12 typically Number 3 or 4. Let's see. Chemical
- 13 Engineering was typically 5 to 7; it depended on which
- 14 ranking and which year.
- 15 Q. Okay. And that's those four?
- 16 A. Those are what I can remember in the School of
- 17 Engineering.
- 18 Q. Okay. Would you say UT, overall, is a higher-
- 19 ranked university than Emory?
- 20 A. Well, that's a -- that's a complicated
- 21 question to answer. U.S. News & World Report ranking,
- 22 Emory is ranked 21st in the country. UT Austin, I don't
- 23 know where it is now. We did increase the ranking while
- 24 I was a president, but I think it's in the 40s under
- 25 U.S. News & World Report.

- 1 A. Well, I think all of them are male. There
- 2 is -- so they would not have given birth. I believe
- 3 there was one that's female. Is Zoya a female?
- 4 Q. I believe so.
- 5 A. Yeah, so I don't know if she gave birth or
- 6 not.
- 7 Q. In reviewing these individuals, do you recall
- 8 that the explanation for early review was either no
- 9 comment by Dean Wood or was only related to their prior
- 10 service at another institution?
- 11 A. Again, I'd have to go back to the individual
- 12 cases. Again, with the Deji Akinwande case, which I --
- 13 he -- I think it was -- there -- I'd have to go back. I
- 14 believe there were statements just about the
- 15 extraordinary nature of his case.
- 16 For those cases where there was prior
- 17 years as an assistant professor at a peer university,
- 18 there probably was not a statement of why now because it19 was quite clear from the record that a number of years
- 20 they'd been an assistant professor, including those
- 21 before UT Austin.
- 22 And, typically, as we saw in the Nikolova
- 23 case, Dean Wood does a nice job of summarizing the time
- 24 line and the total years as an assistant professor. So
- 25 no additional explanation is needed.

Q. Well, let me see if I can understand what you

- 2 just said. It's true, is it not, that there is a
- 3 requirement that an explanation be given for an early
- 4 consideration?
- 5 A. Yes.
- 6 Q. So if no comment is made about it, that would
- 7 not be in compliance with the guidelines?
  - A. Well, it could be if it's not provided in a
- 9 written form and the Dean's assessment to the
- satisfaction of the President's Committee, somebody on
- the President's Committee will ask the question "why
- 12 now" and expect an explanation.
- Q. And we'd have to take your word for it on that 13
- 14 because there's no writing?
- 15 A. This is my testimony based on my experience on
- the committee and as president for five years. 16
- 17 Q. So the answer's "yes"?
- 18 A. Correct. My testimony is that, yes, that's
- 19 correct.

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- 20 Q. And even though you don't really recall what
- 21 happened in each of these incidents related to the
- 22 decision that you made or the discussions that you had
- 23 related to each case?
- 24 A. So I have been -- in my years on the

1 decisions on 600 of those. So I don't recall the

Q. If someone was to say that a candidate that goes up early for tenure two years, like in the fourth

5 year at UT, that they would have to be two standard of

6 deviations better than someone going up in their up or

A. Well, I think Janet Dukerich has used that

showed earlier in the minutes of the Faculty Council.

summarizing statements that took place either in the

And I think Janet is -- is giving a -- is

some quantification to give an idea that somebody that's

two years early, there has to be a significant reason to

consider the case at that time because it is so early to

evaluate what their performance would be during the

Q. So you wouldn't disagree with that statement?

probationary -- during the full probationary period.

A. I wouldn't characterize it that way myself,

Q. But if the candidate, in fact, is in their

24 but I wouldn't -- I wouldn't disagree with it.

brown bag lunches or the road show -- I think that's

giving a qualitative -- she's a business professor --

language. I think it was in the document that you

She was -- this was a report of the CCAFR report

2 discussion on any specific one.

out, what would you say to that?

what it was called -- or the panels.

25 committee, I have reviewed over 800 cases and made

- 1 sixth, seventh, or eighth year of being an assistant
  - 2 professor, would that characterization be accurate?
  - A. So that would be in the context -- that
  - 4 statement by Janet Dukerich would be in the context of

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- four years as -- in rank as an assistant professor.
- That's -- that's the context of her --
- 7 O Define "in rank "
- 8 A. Yeah, so, again, I'm using the loose doc
- 9 terminology. So that would count as four years as an
- 10 assistant professor -- her con -- her statement is to
- 11 give an idea that for a candidate who is four years as
- an assistant professor is what we -- we have to answer
- the question -- the Dean -- the Department Chair and the
- 14 Dean have to answer the question: Why now, four years
- 15 as an assistant professor?
- 16 Q. Anywhere?
- 17 A. That we would count at UT Austin as part of a
- probationary period or anywhere else.
- 19 Q. I didn't understand what you just said.
- A. So the statement that Janet Dukerich made, 20
- Vice Provost for Faculty Affairs, is, "We have a case
- where a faculty member has been four years as an
- assistant professor." That could be either all at UT
- 24 Austin or a combination of UT Austin --
- 25 Q. Okay.

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- A. -- and another university prior to that. 1
  - Q. All right. I just wanted to make sure that
  - 3 when you said "in rank" this time, you were talking
  - about as an assistant anywhere?
  - A. That is correct.
  - 6 Q. And -- well, not to split hairs, but anywhere
  - but only at a peer institution?
  - A. I appreciate that clarification. At a peer
  - institution that has -- at a peer institution --
  - 10 Q. Okay.
  - 11 A. -- and a peer program for that particular
  - 12 department.
  - 13 Q. Right, peer department?
  - 14 A. Right.
  - 15 Q. Okay. So that if it's -- if it's like I said,
  - sixth, seventh, or eighth year of UT, plus a prior
  - institution, peer institution, that two standard
  - deviations would not be something you'd agree with?
  - 19 A. Not only would I not agree with it; we would
  - 20 not use that standard in that situation.
  - 21 Q. All right.
    - MR. NOTZON: Let's go ahead and take
  - 23 another short break. Okay. Let's go ahead and go off
  - the record.

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25 THE REPORTER: We're going off the record

1 at 3:59 p.m.

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- 2 (Off the record from 3:59 to 4:21 p.m.)
- 3 THE REPORTER: We're going back on the
- 4 record at 4:21 p.m.
- 5 Q (BY MR. NOTZON) Okay. So let's -- in no
- 6 particular order, let's start with -- let's do Mr. Cox.
- 7 We have -- let's start with --
- MR. NOTZON: And this will be Exhibit 40,
- 9 and it will be two documents. It will be the Dean's
- 10 Assessment and the Summary Sheet as Exhibit 40.
- 11 (Exhibit 40 marked.)
- 12 A. And what page is that Summary Sheet on?
- 13 Q. (BY MR. NOTZON) The Summary -- the Dean's
- 14 Assessment is 11042.
- 15 A. I have that.
- 16 Q. And the -- the Summary is 11080. Okay?
- 17 A. Yes.
- 18 Q. Okay. So starting with the Dean's Summary,
- 19 this is an accelerated case, correct?
- 20 A. This is an early case because he had been
- 21 three years on probationary status at UT.
- 22 Q. Okay. But it says a total of nine years in
- 23 rank there on the second page?
- 24 A. He had previously been an assistant professor
- 25 at the University of Arkansas.

- 1 geotechnical engineering and his role in this program
  - 2 that was called the NEES program. So there's some
  - 3 narrative about that.
  - 4 Q. And --
  - 5 A. I am highly confident that this would have
  - 6 been discussed at the time the case was considered.
  - 7 Q. Okay. It does show that his funding at UT is
  - 8 only 410,000, correct?
    - A. Which page are you referring to?
  - 10 Q. Let's see here. I'm referring to my notes.
  - 11 A. So if I look at the summary page, 11088,
  - 12 his share of funding as an assistant professor is
  - 13 1.9 million.
  - 14 Q. Right. But it doesn't break out the prior
  - 15 institution and UT, like a lot of these do, correct?
  - 16 A. I'd have to go back and more thoroughly look
  - 17 at it.

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- 18 Q. So looking at the summary sheet, it doesn't
- 19 break out the UT work versus the prior work, like a lot
- 20 of these summary sheets do, correct?
- 21 A. It does not break it out, that's correct. I
- 22 don't remember what the other summary sheets do.
- 23 Q. You're not familiar with other summary sheets
- 24 that break out --
- 25 A. I'd have to go back and look at them, how they

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- Q. Is Arkansas a peer program in Civil,
- 2 Architectural and Environmental Engineering?
  - A. No, it is not.

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3

- 4 Q. Okay. So this wouldn't be just early; it
- 5 would be accelerated?
- A. No. This is a -- this was a unique case
- 7 because Dr. Cox had worked with a very prominent
- 8 professor at UT, Ken Stokoe, on very specialized field
- 9 testing equipment, had been his post-doc -- had been his
- 10 Ph.D. student; and so this was a very special case with
- 11 Stokoe planning on retiring. This was a very large,
- 12 high-profile program at UT and Brady Cox was judged by
- 13 the Department and then the Dean as the best person to
- 14 hire to continue that major field laboratory program
- 15 and -- and the use of the equipment.
- 16 Q. Okay. I don't see anything in here about
- 17 that.
- 18 A. Well, this is my recollection of it because
- 19 it's an area that I do know something about; and I think
- 20 it's -- I have to go through the documents more
- 21 thoroughly. I think it's discussed in the Budget
- 22 Council's review and the Chair's letter, but I don't
- 23 have to go through it. I don't see it in the Dean's
- 24 assessment, but he clearly is talking about -- the Dean
- 25 is clearly talking about his research area in

1 did. It is correct it does not break it out here.

- 2 Q. I'm asking another question. You don't
- 3 recognize, when I say that a lot of these summary sheets
- 4 will break out what's done at UT and what's done at the
- 5 prior institution, as a point of concern for the
- 6 reviewer?
- 7 A. I don't -- it was not -- I don't recall it
- 8 being a point of concern.
- 9 Q. Do you recall that Dr. Nikolova was criticized
- 10 for what she did at UT versus what she did at A&M as
- 11 being an indication that she wasn't good enough?
- 12 A. I don't recall a criticism of what she did at
- 13 Texas A&M.
- 14 Q. That's not my question. My question is that
- 15 she was criticized for what she did at UT as compared
- 16 with what she did at A&M as somehow indicating that her
- 17 funding was substandard, that her sustainability was not
- 18 there, that her trajectory wasn't there; do you recall
- 19 that?
- 20 A. I recall that her current level of funding was
- 21 a concern, and the pending proposals were a concern.
- 22 Q. And it was discussing the fact that she had
- 23 not done as much at UT as she had done at A&M?
- 24 A. The comment by the Dean was that there had

25 been a drop-off in the trajectory since 2015.

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Q. And, also, how much money she had gotten since

- 2 she'd been at UT and that her -- the majority of her
- 3 funding had occurred while she was at A&M; do you recall
- 4 that?
- 5 A. I don't -- no, I do not recall that. The
- focus was primarily on what her current funding was and
- 7 what the pending -- the projections were based on
- pending proposals.
- 9 Q. Right. And you don't see that focus in
- Mr. Cox -- in Dr. Cox's assessment, do you? 10
- 11 A. So I do not. There's quite a -- quite a --
- 12 for Dean Wood, quite a lengthy discussion about his
- research, the impact it has using these geotechnical
- 14 shakers. This is a -- her assessment of this is it's a
- significant development and holds a great potential for
- the future. So I don't see any concerns about his 16
- 17
- 18 Q. And you see that Dean Wood doesn't say
- 19 anything about an early promotion?
- 20 A. So -- I'm sorry?
- 21 Q. At the end she makes no --
- 22 A. Let me -- can I go back to the beginning? So
- 23 the first paragraph --
- Q. You can do that after you answer my question. 24
- 25 A. So can you repeat the question?

- A. Well, he's -- he's been at -- at the time this
  - 2 was written, he had been at UT for a little over two
  - 3 years because he was three years in rank; and he was at
  - 4 the University of Arkansas for six years. So yeah --
  - Q. Do you see criticism of his drop-off in
  - 6 funding, like Dr. Nikolova experienced in her criticism?
  - 7 Do you see any questions being raised about --
  - A. I don't see any questions.
  - 9 Q. -- 410,000 of funding at UT when he had a
  - 10 hundred -- 1.9 million, which is still less than
  - 11 Dr. Nikolova, right?
  - 12 A. In terms of what we're talking about, it's
  - 13 different fields. So the expectation of funding is not
  - the same across the School of Engineering. It's a
  - 15 different department.
  - 16 But my reading of this is Dean Wood is
  - 17 showing what his -- his portion is at UT Austin, his
  - 18 share, 0.41 million, that took place over roughly a
  - 19 little more than two years at the time this was written,
  - 20 maybe two and a half years, compared with the remainder
  - 21 of 1.9 million that he -- would have been his share over
  - 22 six years at University of Arkansas.
  - 23 Q. There's no discussion or comment or question
  - 24 about the decrease, correct?
  - 25 A. There is no discussion about the -- there's no

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- 2 Dr. Cox being up -- answering the question for early

Q. Yes. Dean Wood doesn't say anything about

- 3 promotion in her recommendation?
- A. In the section called Overall Assessment, she
- 5 does not say it in there.
- Q. Okay. Now, look at page 3 of 5 on the Dean's 6
- 7 assessment.
- A. Okav. 8
- 9 Q. The paragraph starting, "While in rank" --
- A. Page 3 of --10
- 11 Q. Well, it's page 2 on the bottom of the -- of
- 12 the printed page?
- 13 A. Yes, I see, "While in rank..." Correct.
- Q. Okay. Do you see where it says -- that 14
- sentence says, "While in rank as an assistant professor
- at the University of Texas at Austin, Dr. Cox has
- received \$0.62 million" --17
- 18 A. Uh-huh.
- Q. -- parentheses -- and then "...in research 19
- 20 funding with \$0.41 million," which would be 410,000
- 21 being his share. So he's only gotten .41 million since
- 22 he's been at UT out of 1.9 million. Do you see that?
- 23 A. Yes, I see it.
- 24 Q. That's a significant drop-off from his share
- 25 prior to UT, right?

- 1 analysis of this, that's correct; but there are the
- 2 statements that he's had 16 funded research projects, 3
- 3 since he arrived at the University of Texas. So he'd
- 4 been successful in a little over two and a half years,
- and he was PI of 50 percent of his projects listed --
- the number of agencies that he had been receiving the
- 7 funding from.
- 8 MR. NOTZON: Object as nonresponsive
- after the affirmation of the fact that there's no
- criticism about him in the drop-off of funding.
- 11 A. There's no comment about the funding rates.
- 12 Q (BY MR. NOTZON) Okay. Let's go ahead and
- move on to -- let's see here. Who's next? So with
- Dr. Foster, and the Dean's assessment starts at
- 15 page 13843.
- 16 MR. NOTZON: And this is Exhibit 41.
- 17 (Exhibit 41 marked.)
- 18 Q (BY MR. NOTZON) Now, in this instance,
- 19 there's a very strong vote from the P&T Committee
- 20 against promotion, correct?
- 21 A. Correct.
- Q. Is there any explanation from Dean Wood for
- 23 her going against that strong vote or -- or the basis
- 24 for the strong vote against him?
- 25 A. Well, let me review this again. She has a

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1 very -- for Dean Wood, she has a very long letter.

- 2 Typically, her letters are two or two and a half pages.
- This one is a little over six pages.
- 4 So in the middle of page 6, under the
- 5 section Overall Assessment, she's saying, "The members
- of the Promotion and Tenure Committee do not believe
- 7 that Dr. Foster meets expectations for promotion to
- associate professor with tenure. They have three
- 9 primary concerns." Do you want me to read them or --
- 10 Q. No, they're there. I see them.
- 11 They're there. She has three concerns.
- 12 Q. Yep.
- A. And then she discusses each issue below with 13
- 14 her justification to explain her view of the concerns
- 15 raised by the P&T Committee.
- 16 Q. And we have to take her word that those were
- 17 the only three concerns, correct?
- 18 A. That is the information -- correct.
- Q. Because the P&T doesn't put that in writing; 19
- 20 and nobody reviews her assessment before it goes to the
- President's Committee, correct? 21

apologies that I missed it.

22 A. Correct.

1 as 41?

is Foster.

UTSA, correct?

A. Correct.

A. It is not.

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- 23 MR. SCHMIDT: Robert, while you're
- 24 looking at this, I just wanted to note we haven't
- admitted these as an exhibit. Do you want to do these

MR. NOTZON: I -- I actually said that.

MR. SCHMIDT: Thank you. Okay. My

MR. NOTZON: No problem. 40 is Cox; 41

Q (BY MR. NOTZON) Also, Foster, he comes from

Q. That's not a peer institution, correct?

Q. So he's not early. He's accelerated?

14 How in the tenure evaluation was his service at UT

A. This is an accelerated case. The question is:

San Antonio reviewed? And as I'm -- as I have reviewed

this, that his record, overall record, was considered a

promotion case for the following reason: Petroleum --

very few universities have Petroleum Engineering

departments. I think in the whole country there are

maybe four or five. So for somebody in Petroleum

Engineering -- I think his Ph.D. was from Texas --

24 is speculation. They're looking for a position in Texas

where they would have access because it's a very

actually, it was from Purdue University -- wanted to get 23 into the oil and gas business, they were prob- -- this

- specialized -- very specialized field.
  - 2 Q. How does that alter the requirement of a peer

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- institution?
- A. It's based -- it's based on the situation, the
- 5 program and the -- and the case; and this was a case
- that somebody moving in from the aerospace field,
- applying new technologies and new ideas to the petroleum
- engineer- -- petroleum industry, with a record of
- research at a university where they would have access to
- that type of research funding. So that was viewed not
- as a peer institution but as a record that was worth
- 12 considering and evaluating.
- 13 Q. Is -- Dr. Foster also had 8 of his 15
- 14 reviewers didn't respond. Isn't that an issue?
- 15 A. So, in general, declinations are not a -- not
- 16 a serious consideration unless they're a large number.
- If it gets above 10 or 15 declinations, we do have
- 18 concerns. Petroleum -- I'm sorry?
- 19 Q. How about more than half?
- 20 A. They generally -- so this is also a very
- specialized field. Because there are few departments --
- four or five Petroleum Engineering Departments --
- 23 declinations in Petroleum Engineering is a general
- 24 problem --
- 25 Q. Wouldn't it be less declinations because

- 1 there's less individuals trying to get a promotion to
  - tenure in a Petroleum Engineering Department?
  - A. There are -- so we just find in Petroleum
  - Engineering it is -- it's -- there tend to be more
  - declinations because the field is so small.
  - 6 Q. Nothing in the report said that, correct?
  - 7 A. I don't believe so.
  - Q. And his teaching score was 3.4. That's really
  - low, isn't it? I don't see any mention of that.
  - Dr. Nikolova's getting trashed for a 3.9. 10
  - 11 MR. DOWER: Objection, form.
  - 12 A. So in Dr. Nikolova's case, at the University
  - 13 Committee -- the President's Committee, teaching was not
  - 14
  - 15 Q (BY MR. NOTZON) Teaching is something that
  - 16 she was criticized for by Dean Wood, correct?
  - A. Dean Wood did make criticisms. My 17
  - recollection is it was not a factor in the decision by
  - 19 the President's Committee.
  - 20 Q. Okav.
  - 21 A. But let me go back to Foster. So I'm at the
  - top of 13845. Excluding the first time PGE 334 was
  - taught, Dr. Foster's instructor ratings in undergraduate
  - courses are near the department average; and his scores
  - for the graduate course are considerably above the

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1 department average. So it looks like he had one -- one 1 compared from UTSA to UT, like Dr. Nikolova was faulted

- 2 course one semester with low teaching evaluations, but
- 3 the rest were on -- were at or near or above the
- 4 departmental averages.
- 5 Q. The same thing could be said for Dr. Nikolova.
- She had one low score of 3.7, and rest higher than the
- 7 average in the top one or two of the people that have
- taught that particular course?
- 9 A. That's correct, and that's why it was not a
- 10 factor in the President's Committee deliberations.
- 11 Q. Aren't his publications lower at UT than they
- 12 were at UTSA?
- A. So in terms of numbers, 7 archival journal --13
- 14 sorry -- 7 in rank at UT and 12 at UTSA, for a total of
- 22. He was at UT Austin for three years and he'd
- previously been at Sandia Labs, so post-Ph.D. -- 2009.
- He had a post-doc -- I'm just trying to figure out what
- 18 the timing is for his total at UTSA, how many years he
- 19 was at UTSA. So he's there three years.
- 20 So it looks like he had 7 at UT over
- three years and 12 at UTSA. So they were lower at UT
- 22 over a -- for a three-year period, that's correct.
- 23 Q. But no mention of that as a negative, no
- 24 mention of that as a trajectory?
- 25 A. There's no mention of it, and it doesn't -- in

- 194
  - 2 for?
  - 3 MR. DOWER: Objection, form.
  - 4 A. The -- I don't believe Dr. Nikolova was
  - 5 faulted for that or was it a factor. The factor in the
  - decision was her current level of funding and the
  - projection, the trajectory of her future funding.
    - Q (BY MR. NOTZON) And isn't petroleum --
  - doesn't that have access to greater cash than
  - Dr. Nikolova's field?
  - 11 A. It depends on the time. I think we'll see
  - 12 another -- there's another case from Petroleum
  - 13 Engineering where the candidate had the unfortunate
  - 14 time -- unfortunate timing of a bust in the oil and gas
  - 15 business, and the funding dried up. So in Petroleum
  - 16 Engineering it is highly cyclical, often correlated with
  - 17 the price of -- price of oil per barrel.
  - 18 Q. Yeah, but the price of oil per barrel doesn't
  - 19 usually stay down for a six-year period of time?
  - 20 A. Well, there have been periods where it has.
  - The department was almost closed in the Eighties because
  - of a long-term decline in the oil and gas industry.
  - 23 Q. But not in the teens?
  - 24 A. No, in early 2000s it was quite low and then
  - the so-called shale --

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- 1 the Dean's report. It was not an issue in the P&T
- Q. And he had a very low H index of nine, even on
- 4 the Google approach, which is a higher -- usually yields
- 5 a higher number; and only 275 citations there on page
- 6 13845?
- 7 A. That is correct. In this field, there -- the
- journals and the conferences that petroleum engineers
- publish in tend to be very industry specific and don't
- show up on Web of Science or Google Scholar. And that's 10
- 11 very typical in the field of Petroleum Engineering.
- 12 Q. And there's no mention of how much money he's
- 13 gotten since he's been at UT, is there?
- A. In the Dean's -- is your question in the 14
- 15 Dean's assessment?
- 16 Q. Yes.
- 17 A. Well, I'm looking at the bottom of 13845,
- total research funding in rank. So it says his
- total research funding as an assistant professor is 19
- 10 million, 10.3 million, and his share being
- 2.4 million. It's important to note he's a co-PI in a
- seven-and-a-half-million-dollar MURI award from the --
- from the Air Force, which is a very competitive award. 23
- 24 So there is mention of research funding.
- 25 Q. Yeah, but no indication of what was received

- Q. During this period time, Dr. Fenves. Please,
- 2 stay with us at the end of the teens.
- A. End of teens?
- Q. Yeah, that's where we are, right?
- A. Yeah. Well, let's see. This case was 2014.
- 6 So it was the middle of teens.
- 7 Q. Okay.
- 8 A. And so there were quite a few cycles through
- 9 2010 to, you know, late teens, 2019.
- 10 Q. Yes, but an six-year period where there's no
- funding, where the petroleum engineers can't get funding
- 12 for an extended period of time where their probationary
- 13 period is dried up and you give them a pass at low to no
- 14 funding?
- 15 A. My -- my testimony is that it's a cyclical
- 16 business, and the funding levels for research are
- 17 cyclical.
- Q. Okay. You can say that for anything; but
- 19 there's no six-year period of dry funding in petroleum
- 20 at -- between 2014 and 2020, correct?
- A. Between 2014 and 2020? Well, 2019, it
- 22 started -- I believe it started slowing down. I was no
- longer tracking it as much, but oil prices were quite
- depressed in the late teens.
- 25 Q. Okay.

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- 1 A. And if you're following the business news now,
- 2 the majors are having some significant issues in the
- 3 markets.
- 4 Q. And, regardless, there's no breakout of his
- 5 funding that he's achieved since being at UT as a means
- 6 of assessing his funding?
- 7 A. There's no breakout in the Dean's summary,
- 8 that's correct.
- 9 Q. There's no discussion about whether or not he
- 10 has a trajectory or sustainability?
- 11 A. Well, the trajectory, my reading of this is
- 12 good with the -- especially with the MURI grant; and it
- 13 says in the next paragraph, before -- just before moving
- 14 to UT -- I don't know how soon before -- Dr. Foster
- 15 received a 1.6 million-dollar award with Mukul Sharma,
- 16 active member in the department, from NETL, National
- 17 Energy Technology Laboratory, and has received
- 18 additional -- and received funding from Sandia, the Army
- 19 Research Lab, the Army Research Office, and GE Global
- 20 Research. So that, to me, reads that there's a strong
- 21 record of funding and trajectory.
- 22 Q. With no indication of what's his share and no
- 23 indication of what the funding is from the Sandia?
- 24 A. That's correct in the summary. I'd have to go
- 25 to look at the record to see the specific data.

198 1 very little funding since becoming -- since getting to

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- 2 UT?
- 3 A. Yes.
- 4 Q. In Petroleum?
- 5 A. Petroleum Engineering, yes.
- 6 Q. Only \$200,000, despite being at UT for three
- 7 years?

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- A. That's correct. That's on page 16917.
- 9 Q. And three of the letter writers declined to
- 10 review her?
- 11 A. I -- I'll accept that as correct without
- 12 looking at the case.
- 13 Q. And, you know, Dr. Nikolova, everybody
- 14 responded; no -- no declinations at all, correct?
- 15 A. Gen- -- that is correct. Generally,
- 16 declinations are not a factor in the -- in the review.
- 17 Q. They certainly can't be a factor if everybody
- 18 responded?
- 19 MR. DOWER: Objection, form.
- 20 A. The response rates and the declinations --
- 21 including declinations or lack of declinations are not a
- 22 factor with the exception of if there's a very large
- 23 number, like, generally exceeding ten declinations.
- 24 Q (BY MR. NOTZON) And Dr. Heidari also has a
- 25 modest-to-low index of 11, even on Google, and only 372

- 1 Q. Why wouldn't the data be there from Dean Wood?
- 2 A. The Dean makes a summary. She -- the record
- 3 is available for the President's Committee to review at
- 4 the time the whole case is prepared. So she's -- she's
- 5 making her decision about what are the factors to bring
- 6 forth in her summary and overall assessment and
- 7 recommendation.
- 8 Q. And she's talking all positives and no
- 9 negatives, despite the presence of a 3.4 teaching score,
- 10 an 8 -- of more than half the reviewers not responding,
- 11 and a very strong vote against?
- 12 MR. DOWER: Objection, form.
- 13 A. I -- I believe that Dean Wood addresses each
- 14 of those in her letter.
- 15 Q (BY MR. NOTZON) Excuses them?
- 16 MR. DOWER: Objection, form.
- 17 A. I'm sorry. I didn't understand the question.
- 18 Q. (BY MR. NOTZON) Excuses them, not addresses
- 19 them. She excuses them.
- 20 A. Oh, I believe she addresses them.
- 21 Q. Okay. All right. Let's move on to Heidari.
- 22 A. Heidari.
- 23 (Exhibit 42 marked.)
- 24 Q. (BY MR. NOTZON) That's on page 16914. This
- 25 is, I think, the person you were talking about who had

- 1 citations?
  - A. So in the field of Petroleum Engineering,
  - 3 where most of the -- the important journals are in
  - 4 industry conferences and specialized journals, Google --
  - 5 the Web of Science and Google Scholar are generally not
  - 6 capturing them. So we -- this is very typical in the
  - 7 field of Petroleum Engineering.
  - 8 Q. And she's given a pass on the funding at UT
  - 9 that says -- they're saying that funding has been low in
  - 10 Petroleum Engineering?
  - 11 A. That is correct. And her record at A&M was --
  - 12 the Dean says was impressive and lists several --
  - 13 several awards at the top of page 16917.
  - 14 Q. The only problem is her period of time at A&M
  - 15 and UT is consistent with Foster, who's getting millions
  - 16 of dollars. Why is -- why is the petroleum field a
  - 17 problem for Heidari but not for Foster? Is that
  - 18 discussed or --
  - 19 A. Yeah, these were two different cases. That's
  - 20 not discussed. I'd have to look at the specifics of
  - 21 what his funding source was.
  - 22 Q. Well, I mean, you said it was from 2014. And
  - 23 here, we're looking at 2015 when she got here, so -- and
  - 24 she was at A&M before. So she would have been in
  - 25 Petroleum Engineering at the same time as Dr. Foster,

1 and we're talking about the same period of funding.

- 2 And, yet, she's given a pass of only have having
- 3 \$200,000 since she's gotten to UT in 2015?
- A. So she had a significant amount of funding at
- 5 Texas A&M. Even though they are in the same department,
- 6 they are very different fields. So Foster has a Ph.D.
- 7 in Aerospace and Aeronautics -- or Aeronautics and
- Astronautics from Purdue; and he's applying very high
- technology, physics-based technology and has access to
- 10 funding sources that are supporting that kind of work.
- 11 Heidari appears to be primarily in a
- 12 traditional area of Petroleum Engineering, important;
- but traditional in the sense that petrophysics is almost 13
- 14 exclusively relying on industry for -- for their
- 15 research funding. And most of her funding -- I'm sorry.
- 16 Q. She can't support graduate students,
- regardless of if there's any funding or not. I mean, 17
- 18 she can't support graduate students, correct?
- 19 A. That is correct. Without the funding, you
- 20 can't support graduate students.
- 21 Q. And she is going up early?
- 22 A. Well, she's going up early under UT's policy
- of three years on the probationary period; but she's
- been a total of seven years in the rank of assistant
- professor.

- 1 writing about that, did you?
  - 2 A. No, I did not.
    - Q. And any -- do you understand that the same

204

205

- "commitment," quote, unquote, that was made to
- Dr. Heidari had also been made to Dr. Nikolova?
  - MR. DOWER: Objection, form.
- 7 A. I -- I don't know what commitments were made
- 8
- 9 Q (BY MR. NOTZON) Okay. And whether or not
- 10 somebody told her that she could go up at six years of
- 11 assistant of professorship between A&M and UT, that
- wouldn't require UT to honor that, right?
  - A. Could -- could you repeat the question? I
- 14 want to make sure I understand it.
- 15 Q. Sure. If somebody told her as part of her
- recruitment that she could go up at six years with
- combined time between A&M and UT, UT would not have to
- 18 honor that?

13

- 19 A. Would not have to honor the commitment?
- 20 Q. The verbal statement.
- A. A verbal statement. We don't have an
- 22 obligation to -- to put a faculty member up for
- promotion unless the Department Chair makes that
- 24 decision.
- 25 Q. And you don't have to grant tenure because

- 1 that Department Chair made that decision?
  - A. We have no obligation to grant tenure because
  - 3 the Department Chair submitted a case.
  - Q. Was she up or out?
  - 5 A. No.
  - Q. Okay. So she could have waited. She could
  - 7 have -- UT could have waited; she wasn't up or out. UT
  - could have said, "Hey, she's not gotten any money. And,
  - oh, yeah, petroleum's tough right now; but let's see if
  - it's her or the field"? 10
  - A. Yeah, anything's -- yes, anything could --
  - 12 could be possible.
  - Q. Okay. And go ahead and look at the summary
  - 14 sheet, which is 1690 [sic.] That will be the
  - Exhibit 41 -- 42 is Heidari.
  - 16 A. I'm sorry. Heidari 1690?
  - 17 Q. 16960.
  - 18 A. 16960.
  - 19 Q. That will be the last page of Exhibit 42.
  - 20 A. Yes, I have it.
  - 21 Q. Do you see how this summary doesn't break out
  - 22 the UT funding?
  - 23 A. That is correct.
  - Q. So just like with Foster, it's made to look --
  - 25 I mean, just like with -- just like with Cox, it's made

- Q. She could wait to see how -- if she's going to
- 2 get some funding, to see how her funding and trajectory
- is going to look in the future?
- A. She could.
- Q. But -- but UT didn't do that with her --5
- 6 A. Uh-huh.
- 7 Q. -- the year before Dr. Nikolova?
- 8 A. She could.
- Q. She's a woman but didn't have a child during
- 10 her probationary period, didn't ask for a probationary
- 11 extension during her probationary period, correct?
- MR. DOWER: Objection, form. 12
- 13 A. I do not see -- on the cover sheet. I do not
- 14 see that she had requested a stop-the-clock.
- 15 Q (BY MR. NOTZON) Okay. And you can look at --
- if you need to, you can look at Exhibit 35 and see that
- she also didn't request any probationary extensions; or 17
- 18 you can take my word for it.
- 19 A. I -- it would -- she did not have a
- probationary extension because it would have shown on
- 21 the cover sheet.
- Q. Okay. And if you look at the end of
- 23 Dean Wood's assessment, the last page, it talks about a
- commitment that had been made to Dr. Heidari to go up on her clock. That -- there's -- you never saw anything in

208 206 1 to look like she's got more money than she actually has? A. I'm highly confident those -- those things 2 MR. DOWER: Objection, form. that I reviewed recently in preparation would have been 3 A. I don't -- I can't speak to the intent. It the same things I would have noticed two years ago at 4 does not break out the funding from the two the time of the review. Q. And was your decision not to grant tenure to 5 institutions. 6 Q (BY MR. NOTZON) Let's go ahead and move on to 6 Dr. Nikolova motivated by her sex or gender? 7 Boyles for Exhibit 43. 7 A. No. 8 Q. And was your decision not to grant tenure 8 (Exhibit 43 marked.) 9 Q (BY MR. NOTZON) Okay. And that starts at motivated by her pregnancy status? 10 10 page 12127? 11 11 A. Correct. MR. DOWER: Pass the witness. 12 Q. He also had a negative vote from the -- wait. 12 MR. NOTZON: Just a followup on that. I think I'm reading the wrong one, Boyles. **FURTHER EXAMINATION** 13 13 14 Boyles has on -- I guess in this -- in 14 BY MR. NOTZON: 15 this instance Boyles is -- mentioned how much money he's 15 Q. Isn't it true that just because Dean Wood is a gotten since he's been at UT, which is 2.3 million? 16 16 female and recommended against tenure for Dr. Nikolova 17 A. What page are you referring? does not mean that Dean Wood was motivated improperly by 17 18 Q. Page 2, 12129. discriminatory intent based upon gender or pregnancy? 18 A. 12129. 19 MR. DOWER: Objection, form. 19 Q. In the middle of the page. 20 20 A. If I understand the question, my answer is: I do not believe Dean Wood was motivated by any 21 A. Oh, I see, yes. Let me find that. Yes. 21 Q. And -- and then down just below that there's 22 discriminatory intent. 22 23 quoted review letters --23 Q. (BY MR. NOTZON) Not the question. My A. Yes. question is: Isn't it accurate that you can't say that 24 25 Q. -- saying positive things about him? just because Dean Wood is a woman that she had no -- she 207 200 A. Yes. 1 would be eliminated from having any discriminatory 1 2 Q. And then addressing potential critical comments on the next page? 3 A. I would -- that is correct. 3 A. Two -- two comments, yes. 4 MR. NOTZON: Pass the witness. 4 5 5 Q. And explaining them away? MR. DOWER: Reserve. 6 A. She explains why she did not feel those were 6 (Deposition concluded at 5:09 p.m.) 7 heavy weight in the overall deliberation. 7 --ooOoo--Q. Okay. 8 8 9 MR. NOTZON: I just looked at the clock 9 and I was expecting a reminder and I'm sorry. I went 10 10 11 over, 5:00 -- 6:00 o'clock. And I apologize for that. 11 I will pass the witness. 12 12 13 MR. DOWER: President Fenves. I just have 13 a few questions because I know that you're -- you have 14 14 an appointment to make. 15 15 16 **EXAMINATION** 16 BY MR. DOWER: 17 17 Q. You testified today regarding weaknesses in 18 18 19 Dr. Nikolova's application for tenure as you perceived 19 20 them, yes? Do you remember that? 20 21 A. Yes. 21 22 22 Q. Okay. And are you confident that the weaknesses you identified here today are the same 23 weaknesses upon which you based your decision at the 24 25 time? 25

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		210			212
1	CHANGES AND SIGNATURE		1	STATE OF TEXAS )	
2	WITNESS NAME: DATE OF DEPOSITION:		2	REPORTER'S CERTIFICATION	
3	GREGORY L. FENVES May 27, 2021		3	I, DEBBIE D. CUNNINGHAM, CSR, hereby	
4	PAGE/LINE CHANGE REASON		4	certify that the witness was duly sworn and that this	
5				transcript is a true record of the testimony given by	
6				the witness.	
7			7	I further certify that I am neither	
				counsel for, related to, nor employed by any of the	
9				parties or attorneys in the action in which this	
			11	proceeding was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor am	
				I financially or otherwise interested in the outcome of	
				the action.	
			14	Subscribed and sworn to by me this day,	
			15	June 16, 2021.	
			16		
			17		
18			18		
19			19		
20				Debbie D. Cunningham, CSR	
			20	Texas CSR 2065	
				Expiration: 6/30/2021	
			21	INTEGRITY LEGAL SUPPORT SOLUTIONS	
			00	P.O. Box 245	
25			22	Manchaca, Texas 78652	
			23	www.integrity-texas.com 512-320-8690; FIRM # 528	
			24	312-320-0030, 1 INWI # 320	
			25		
		211			
1	I, GREGORY L. FENVES, have read the				
2	foregoing deposition and hereby affix my signature that				
3	same is true and correct, except as noted herein.				
4					
5					
6	GREGORY L. FENVES				
7					
8	THE STATE OF )				
9	Before me,, on				
		to			
10	this day personally appeared GREGORY L. FENVES, known	ıo			
11	me (or proved to me under oath or through				
12	) (description of identity card or other				
13	document) to be the person whose name is subscribed to				
14	the foregoing instrument and acknowledged to me that				
15	they executed same for the purposes and consideration				
16	therein expressed.				
17	Given under my hand and seal of office on				
18	this, day of,				
19					
20					
21					
22	NOTARY PUBLIC IN AND FOR				
23	THE STATE OF				
24	My Commission Expires:				
	My Commission Expires				
25					

212 1 STATE OF TEXAS 2 REPORTER'S CERTIFICATION 3 I, DEBBIE D. CUNNINGHAM, CSR, hereby certify that the witness was duly sworn and that this 4 5 transcript is a true record of the testimony given by 6 the witness. 7 I further certify that I am neither 8 counsel for, related to, nor employed by any of the 9 parties or attorneys in the action in which this proceeding was taken. Further, I am not a relative or 10 11 employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of 12 13 the action. 14 Subscribed and sworn to by me this day, 15 June 16, 2021. 16 17 Xleffri D. Ginnengham 18 19 Debbie D. Cunningham, CSR 20 Texas CSR 2065 Expiration: 6/30/2021 21 INTEGRITY LEGAL SUPPORT SOLUTIONS P.O. Box 245 22 Manchaca, Texas 78652 www.integrity-texas.com 23 512-320-8690; FIRM # 528 24 25

## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

EVDOKIA NIKOLOVA \*

Plaintiff,

\*

V. \* CASE NO. 1:19-cv-00877-RP

\*

UNIVERSITY OF TEXAS AT

AUSTIN, \*

Defendant. \*

ORAL VIDEOCONFERENCED DEPOSITION

OF

CHRISTINE JULIEN,

AS BOTH ORGANIZATION REPRESENTATIVE

AND AS FACT WITNESS

Friday, March 19, 2021

ORAL VIDEOCONFERENCED DEPOSITION OF CHRISTINE

JULIEN, produced as a witness at the instance of the

Plaintiff, and duly sworn, was taken in the above-styled

and numbered cause on Friday, March 19, 2021, from

10:00 a.m. to 4:03 p.m., before Debbie D. Cunningham,

CSR, in and for the State of Texas, reported remotely

via Machine Shorthand, pursuant to the Federal Rules of

Civil Procedure.

--00000--

2	A EVALUATI MAEV
1 APPEARANCES 2	1 EXHIBIT INDEX 2 Exhibit Number Description Page
3 FOR PLAINTIFF:	3 Exhibit 12 Budget Council Assessment on 83
4 THE LAW OFFICE OF ROBERT NOTZON	Teaching Performance for
1502 West Avenue 5 Austin, Texas 78701	4 Faculty Promotion Candidate Evdokia Nikolova
(T) 512.474.7563	5
6	Exhibit 13 Evdokia Nikolova's Teaching 89
By: Robert Notzon, Esq. 7 Robert@NotzonLaw.com	6 Statement 7 Exhibit 14 WITHDRAWN XX
8 AND	8 Exhibit 15 A spreadsheet identified as 146
9 CREWS LAW FIRM, P.C.	All ECE 18-19 final
701 Brazos, Suite 900 10 Austin, Texas 78701	9 Exhibit 16 5/17/20 e-mail exchange between 148
(T) 512.484.2276	10 Christine Julien and Constantine
11 Due Dahard W. Caharith For	Caramanis, RE: Additional Review
By: Robert W. Schmidt, Esq.  12 schmidt@crewsfirm.com	11 Material 12 Exhibit 17 5/17/20 e-mail exchange between 153
13	Christine Julien and Michael
FOR DEFENDANT: 14	13 Orshansky, RE: Additional Review Material
OFFICE OF THE ATTORNEY GENERAL OF TEXAS	14
15 General Litigation Division	Exhibit 18 June 2020 e-mail communications 155
P.O. Box 12548, Capitol Station  16 Austin, Texas 78711-2548	15 between Evdokia Nikolova and Chair Marculoscu's office,
(T) 512.463.2120	16 Subject: Annual Review, assessed
17 Pre Ame Hilton For	by Faculty Evaluation Committee
By: Amy Hilton, Esq.  amy.hilton@oag.texas.gov	17 and Department Chair 18 Exhibit 19 Annual Review Comparators 155
AND	19 Exhibit 20 Plaintiff's Notice of Oral and 157
19 Benjamin Dower, Esq. benjamin.dower.oag.texas.gov	Video Deposition of Christine  20 Julien as Both Organization
benjamin.dower.oag.texas.gov 20	Representative and as
21	21 Fact Witness
ALSO PRESENT: 22	22 Exhibit 21 February 2019 e-mail exchange 158 between Christine Julien and
Laura Barbour	23 Andrea Thomaz, Subject: Re:
23 Jody Hughes 24ooOoo	[cse-ece-faculty] P&T decision
25	Exhibit 22 '14-'15,'15-'16,'16-'17,'17-'18, 170
	25 '18-'19 Annual Review Summaries
3	
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1 INDEX 2 APPEARANCES 2 3	1 (Friday, March 19, 2021, 10:00 a.m.) 2 PROCEEDINGS 3 THE REPORTER: Today is Friday, March 19,
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- 1 the question or answer are reserved until trial. And
- 2 the deponent would like an opportunity to review the
- 3 transcript and recording.
- 4 MR. NOTZON: Agreed. Okay.
- 5 CHRISTINE JULIEN,
- 6 having been duly sworn, testified as follows:
- 7 EXAMINATION
- 8 BY MR. NOTZON:
- 9 Q Good morning.
- 10 A. Good morning.
- 11 Q. Could you please state your name for the
- 12 record?
- 13 A. Christine Julien.
- 14 Q. And I understand you're Professor Julien?
- 15 A. That's right.
- 16 Q. Okay. And you have the rank of full
- 17 professor?
- 18 A. Yes.
- 19 Q. Okay. I'd like to go over kind of a little
- 20 short history to get some background. How old are you?
- 21 A. 42 -- 43. Oh, my goodness. I'm 43.
- 22 Q. Yeah, I know. That happens to me, too.
- 23 A. Okay.
- 24 Q. And just when you get used to saying the
- 25 number, it changes. It gets worse and faster.

- 1 go up on?
  - 2 A. Oh, on time. So the sixth year. Yeah, so on
  - 3 time.

- 4 Q. And you've spent your entire career teaching
- 5 at UT?
- 6 A. I teach and do research at UT, yes.
- 7 Q. Were you proposed or considered for
- 8 accelerated promotion?
- 9 A. I was not.
- 10 Q. Were you considering it?
- 11 A. I had some conversations with the Department
- 12 Chair at the time the year before.
- 13 Q. Who was that?
- 14 A. Tony Ambler was his name.
- 15 Q. Okay. And what was the substance of that
- 16 conversation?
- 17 A. We discussed whether it made sense to apply
- 18 for early promotion and determined that since the
- 19 University has a higher kind of bar expectation for
- 20 early promotion, that it made sense to wait a year --
- 21 not to wait a year, but to do it on time, instead.
- 22 Q. Okay. So that conversation happened what
- 23 year?
- 24 A. I don't -- I don't -- the best of my
- 25 recollection, I mean, just based on the timing, it's

- 1 So are you married?
- 2 A. I am.
- 3 Q. And do you have children?
- 4 A. I do.
- 5 Q. And how many children?
- 6 A. I have two children.
- 7 Q. And how old are they -- or what were their
- 8 birthdays?
- 9 A. My oldest child was born on May 10th, 2007 and
- 10 my youngest on October 12th, 2012.
- 11 Q. Nice.
- 12 And did you have your children during
- 13 your probationary period?
- 14 A. My oldest child was born during my
- 15 probationary period.
- 16 Q. Okay. And that was at UT?
- 17 A. Yes.
- 18 Q. Okay. And when you went up for tenure, what
- 19 year did you go up on?
- 20 A. I was promoted in 2010. So I went up the year
- 21 before that. I started -- started in the rank of
- 22 Associate Professor in August of 2010.
- 23 Q. What -- my question was not specific enough.
- 24 A. Sorry.
- 25 Q. What year of your probationary clock did you

- 1 going to have happened in 2007, 2008, somewhere around
  - 2 then.
  - 3 Q. Okay. Would it have been in your fourth year
  - 4 of your probationary clock?
  - 5 A. Yes, because I would have needed to have time
  - 6 to prepare the materials for early promotion.
  - 7 Q. And you would have been one year early if you
  - 8 would have gone up early?
  - 9 A. Yes
  - 10 Q. Okay. And so it's your understanding that a
  - 11 heightened standard for accelerated promotion has
  - 12 existed since at least that time, through today?
  - 13 A. Yes, that's how it was communicated to me at
  - 14 that time.
  - 15 Q. Okay. And other than the Chair telling you
  - 16 that, have you any other outside experience or knowledge
  - 17 that there's a heightened standard for accelerated
  - 18 promotion compared to on time?
  - 19 A. Yes, this is a conversation we have on a
  - 20 regular basis.
  - 21 Q. Who's "we"?
    - A. The Department and the Department Chair in the
  - 23 department meetings, faculty meetings.
  - 24 Q. Okay. So faculty and administration?
  - 25 A. Yes.

Q. Okay. And so would it be your testimony that

- 2 it's common knowledge among the faculty that there's a
- 3 heightened standard for accelerated promotion versus
- 4 on-time promotion?
- 5 A. It's my testimony that I've understood that
- 6 since I was an Assistant Professor and that that
- 7 conversation has happened with others present as well,
- 8 other people in the faculty present as well.
- 9 Q. And would you -- but you would agree that it's
- 10 not in writing?
- 11 A. I don't know if it's in writing or not. It
- 12 could very well be in the HOP, the Handbook of Operating
- 13 Procedures, or in UT System Regent's Rules. I haven't
- 14 checked for that.
- 15 Q. You just know it from conversation?
- 16 A. I have been told that by members of the
- 17 administration.
- 18 Q. Right. Verbally?
- 19 A. I have not been shown a piece of paper where
- 20 it is the case.
- 21 Q. Or told a cite?
- 22 A. I don't recall having been pointed to one; but
- 23 it's possible that when I was preparing my tenure and
- 24 promotion materials, I would have been pointed to
- 25 something that would have indicated that. I don't

- 1 my final exam. So there's no convenient time, it turns
  - 2 out, in an academic schedule for a child to be born; but
  - 3 there are less convenient times.
  - Q. Right. I was thinking more of you have the
  - 5 first three months of life with less responsibility than
  - 6 during the semester.
  - 7 A. I don't think that's the case in an academic
  - 8 position. Summers are equally as important as the
  - 9 academic year for our jobs.
  - Q. Okay. But you were able the maintain your
  - 11 productivity, regardless?
  - 12 A. Productivity is not constant, even in normal
  - 13 times. There was certainly a dip in my productivity;
  - 14 but I did not feel as though it impacted my, kind of,
  - 15 trajectory towards promotion.
  - 16 Q. In the overall six-year picture?
  - 17 A. That's right.

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11

- Q. Okay. Would you agree that Modified
- 19 Instructional Duty is not leave?
- 20 A. When I took Modified Instructional Duty, I did
- 21 not believe I was on leave from the university.
- 22 Q. And could you explain why you believed that?
- 23 A. I was asked at that time, in 2007, to write a
- 24 form that explained what I would actually be doing
- 25 during the semester that was to follow the 2007

1 remember. I don't know.

- Q. Okay. When you were pregnant and had a child
- 3 during your probationary period, did you take advantage
- 4 of the Modified Instructional Duty?
- 5 A. I did.
- 6 Q. And just the one semester?
- 7 A. I did, yes.
- 8 Q. And did you take advantage of the tenure
- 9 promotion extension?
- 10 A. I did not.
- 11 Q. Okay. Were you offered it?
- 12 A. I believe I was. I don't know if I was
- 13 explicitly offered it. I knew that it was available to
- 14 me and that I could opt to take it, and I opted not to
- 15 take it. I don't remember how it became -- I became
- 16 aware that it was available to me.
- 17 Q. And what was your decision-making process on
- 18 that, to take it or not to take it?
- 19 A. Yeah. I felt like I was on track for an
- 20 on-time promotion. I felt like, with the support I had,
- 21 that I wasn't going to need extra time. So I didn't
- 22 apply for extra time.
- 23 Q. Did it help that your baby was born in May
- 24 instead of in the middle of the semester?
- 25 A. It did not. My daughter was born the day of

- 1 semester. And so there was an agreement between me and
  - 2 the Department about what my modified duties would be,
  - 3 explicitly.
  - 4 Q. Okay. And who were you negotiating that with?
  - 5 A. It wasn't a negotiation; but that conversation
  - 6 happened with the Department Chair, Tony Ambler.
  - 7 Q. Okay. And I take it from your answer you
  - 8 don't know if that's standard for other people on
  - 9 Modified Instructional Duty?
  - 10 A. I don't know if it's standard. There was a
  - 11 form, and I filled it out. I assume others also fill
  - 12 out a similar form, but I don't see them.
  - 13 Q. I just was asking because you didn't answer
  - 14 the question when I asked you if Modified Instructional
  - 15 Duty was not leave. You weren't willing to answer that
  - 16 in the general, just from your own experience.
    - A. Yeah, the question was difficult for me
  - 18 because it had somehow almost a one-and-a-half negative
  - 19 in it. So it was a little...
  - 20 So I don't think of Modified
  - 21 Instructional Duty as leave; and I don't think the
  - 22 University does, either.
  - 23 Q. All right. Thanks. I just didn't understand
  - 24 what the issue with my question was, and I have no
  - 25 problem with you having issues with my questions.

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1 Frequently people do, so no problem.

- 2 And did you get your Ph.D. at UT as well?
- 3 A. I did not. In fact, I don't have a Ph.D.; and
- 4 I like to be careful about the distinction because I
- 5 don't ever want to be accused of claiming I have an
- 6 actual Ph.D. I have a DSC, which is an equivalent
- 7 degree. It's from Washington University in St. Louis.
- 8 That's the institution I attended.
- 9 Q. Okay. And what do those letters stand for?
- 10 A. Sorry. It's a Doctor of Science.
- 11 Q. Okay. Does Wash U just not provide a Ph.D.?
- 12 A. It's a long, long, you know, academic
- 13 political story. It actually is a Ph.D. now; but at the
- 14 time I graduated, it was a DSC.
- 15 Q. Thanks a lot, right? Okay.
- 16 And you're now -- what is your Associate
- 17 Dean title?
- 18 A. I am currently the Associate Dean for
- 19 Diversity, Equity, and Inclusion.
- 20 Q. Do you have a fancy acronym for it?
- 21 A. I call it the Associate Dean for DEI, because
- 22 it gets a little bit cumbersome on the tongue there.
- 23 Q. Okay. "ADDEI" would even be worse, I think.
- 24 A. Yes.

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25 Q. Okay. And when did you start that position?

- 1 Q. Okay. And what was the process of you coming
  - 2 to that position, starting that position in August?
  - 3 When were you first either approached, or did you
  - 4 approach with interest for the job?
  - A. The Dean approached me about the job sometime
  - 6 in relative early summer -- it could have been late
  - 7 June, early July of 2019 -- to ask whether I would
  - 8 consider taking on the role. At that time we had
  - 9 several exchanges back and forth throughout the summer
  - 10 about what exactly were the expectations of the role
  - 11 since it was new, and I had some concerns.
  - 12 I know that at other institutions the
  - 13 role is more of a: We feel good because we have
  - 14 somebody in this role, but this person doesn't really do
  - 15 anything or have any power and I didn't --
  - 16 Q. Window dressing?
  - 17 A. I'm sorry?

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15

- Q. Window dressing?
- 19 A. Window dressing, yes. And I didn't want to
- 20 take the position if that was the case. And so the dean
- 21 and I had some significant conversations about how it
- 22 would be structured and what her commitment to DEI was
- 23 before I agreed to take the position.
- 24 I also spoke with people across campus.
- 25 There were two other people in similar roles who I spoke
- A. I started in the role in August of 2019. At
- 2 that time the title was Assistant Dean for Diversity,
- 3 Equity, and Inclusion; and it changed in August to
- 4 Associate Dean.
  - Q. That's a promotion?
- 6 A. It was neither a change in duty nor a change
- 7 in salary. It was just a change in title, I think, to
- 8 reflect the importance of the role.
- 9 Q. Organizational height?
- 10 A. More, I -- more organizational equity, I
- 11 think, in the sense that in the Cockrell School and
- 12 largely, I think, across campus, Associate Dean roles
- 13 are held by tenured faculty; and Assistant Dean roles
- 14 are not held by tenured faculty. And so when the15 position was created, this was something of on
- 16 oversight, I think, until it was corrected. That was
- 17 how it was put to me, anyway.
- 18 Q. Okay. And who identified the inequity?
- 19 A. Internally, I think the dean, Dean Wood,
- 20 identified it, from her conversations with me, based on
- 21 conversations with deans at other institutions, asking:
- 22 Why is this an Assistant Dean when you have other
- 23 Associate Deans -- and then, also, conversations
- 24 internally about other people in similar roles across
- 25 campus.

- 1 to, to get their insights on just kind of the nature of
  - 2 that role at UT.
  - Q. And what were those two departments?
  - 4 A. I spoke to --
  - 5 Q. Just the department names.
  - 6 A. Oh, I'm sorry. The equivalent person in
  - 7 McCombs, the School of Business, and in the College of
  - 8 Natural Sciences.
  - 9 Q. And how long had they been in existence in
  - 10 their positions?
  - 11 A. The person at McCombs had been in her role for
  - 12 about a year at the time, I think, maybe a year and a
- 13 half. And the College of Natural Sciences is structured
- 14 differently. The role doesn't have anywhere near the
- 15 same title; but the person doing it has been doing that
- 16 work in the College of Natural Sciences for, like, five
- 17 years, for quite some time.
- 18 Q. Okay. And the one for McCombs, was that
- 19 person the first person in the position?
- 20 A. Yes
- 21 Q. So the start of the position and her role were
- 22 coexistent?
- 23 A. Correct.
- Q. Okay. And that conversation you had with
- 25 Dean Wood about what you wanted the position to be and

17

1 what she was willing for it to be, could you give us

- 2 kind of a little outline of what you were after so that
- 3 you could check that box that it's not window dressing?
- 4 A. Yeah. So it was not a single conversation.
- 5 It was a series of conversations.
- Q. I'm asking just for that list of things that
- 7 you were looking for, in total, not in just one
- 8 conversation, and the back and forth and what it ended
- 9 up being that you were satisfied that that box was
- 10 checked
- 11 A. Yeah. So several of the things were: What
- 12 are the roles? What are the things that we're serious
- 13 about doing? Where do we see the challenges?
- 14 So a lot of these were in faculty
- 15 recruiting and retention and then also in graduate
- 16 student post doc recruiting and retention. The
- 17 commitment to provide resources to that; specifically,
- 18 you know, that's money, right, that we're going to
- 19 actually spend money on these initiatives.
- 20 And then another thing that was really
- 21 important to me was a commitment that she would show her
- 22 support when faculty were asked to participate because
- 23 faculty participation in these initiatives kind of
- 24 determines whether they're successful or not.
- 25 So those were the major things. I think

- 1 A. I do not have an annual budget. Right now I
  - 2 make -- when I require resources, I make requests to the

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- 3 Dean for support for those resources; and she allocates
- 4 funding for them, yeah.
- 5 Q. Okay. So when you asked for resources, she
- 6 told you: Ask and you shall receive or...
- 7 A. I asked if she was going to commit funding to
- 8 this. She told me that she was, and she has since
- 9 demonstrated that she intends to -- or she has
- 10 demonstrated that by doing it, I guess is what I'm
- 11 saying.
- 12 Q. So every time you've asked for money, you have
- 13 received it?
- 14 A. As far as I can remember, that's the case.
- 15 The Dean has been very forthcoming with funding over the
- 16 past year and a half for DEI-related initiatives.
- 17 Q. And have you been -- what kind of activities
- 18 have you engaged in, in terms of the -- well, let me
- 19 back up.

20

- Why were you interested in this job?
- 21 A. So I had been exploring leadership
- 22 opportunities for the past several years. Just, you
- 23 know, I've reached full professor status. I have a
- 24 solid research program. And it's that time where I ask
- 25 myself: Is this what I want to do, or do I want to do

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- 1 one other piece that was pivotal for me to accept the
- 2 role was that we would do an explicit reevaluation of
- 3 where we were after a year. I was only agreeing to do
- 4 it for a year. So it was kind of a two-way trial. And
- 5 so we did that this past summer.
- 6 Q. And that reevaluation ended up with that
- 7 report?

8

- A. I'm sorry. What report?
- Q. Oh, I took it from Dean Wood's testimony
- 10 yesterday -- and I may be mistaken -- that after your
- 11 first year, that a report was written?
- 12 A. That's correct. We did generate a DEI annual
- 13 report. That was one of the things that I started when
- 14 I began. I decided that we would start writing an
- 15 annual report, reporting on our DEI, kind of,
- 16 activities, initiatives, progress, and remaining
- 17 challenges. That's not related to this conversation I'm
- 18 talking about with the Dean. That's completely
- 19 independent.
- 20 Q. Okay. So your reevaluation was conducted
- 21 outside of that report. That report was just part of
- 22 your job that you've been doing?
- 23 A. That's right.
- Q. Okay. And the resources, so do you have an
- 25 annual budget?

"

- 1 something more? So I'd been exploring what are the
- 2 options available to me from a leadership perspective.
- 3 I had communicated that to the Dean some years ago that,
- 4 you know, I was interested in trying on some leadership
- 5 roles. So that's the one side.
- 6 This particular position is a passion of
- 7 mine. I have spent a lot of time and effort over my
- 8 academic career promoting specifically women in
- 9 computing and trying to start new initiatives to broaden
- 0 participation in computing. I'm kind of known for this
- 11 within our department.

12 I run some programs for middle and high

- 13 school students to try to encourage them to apply for
- 4 engineering. Within my professional community, I have
- 15 promoted women and underrepresented minorities, to a
- 16 lesser degree, at our major conferences. So this is
- 17 something where I have expertise and I see that there is
- 18 a lot of potential.

19 And then, just as a woman who's under-

- 20 represented in engineering, I think it's important work
- 21 to do. So it was an opportunity to kind of, you know,
- 22 take on a larger leadership role, something I think I
- could enjoy and could be good at and, also, at the sametime, impact an area where I think it's really important
- 25 to do so. So that's why, I guess.

- 1 Q. Being a woman in engineering -- other than
- 2 being underrepresented, have you had any other
- 3 challenges being a woman in engineering?
- A. I'm not sure what your question is. I'm
- 5 sorry.
- 6 Q. You mentioned being a woman in engineering and
- 7 being underrepresented had caused you to have this
- passion toward all the things you said you've been
- 9 doing. I was wondering if there was anything other than
- 10 just being underrepresented as a female in engineering
- 11 that have caused you to make diversity and inclusion a
- 12 passion of yours.
- A. I don't -- I don't think so. I mean, I think 13
- the biggest -- I mean, most of the challenges that I 14
- 15 face as a woman or that women in engineering face happen
- because of the underrepresentation. So I'm not sure 16
- what you're getting at. 17

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23 24 happen.

in treatment.

- 18 Q. So you're saying that the underrepresentation
- is the source of all the issues that a woman might have 19
- 20 in the field of engineering?
- MS. HILTON: Objection, form. 21
- 22 A. I'm not sure that's a characterization -- a
- 23 correct characterization, either.
- Q. (BY MR. NOTZON) Okay. What would be other 24
- 25 issues that a woman might have in engineering --

1 particularly you, that you have had in engineering,

A. Well, again, I am underrepresented, so that

A. Which may include things like, you know,

seeing a women in various different spaces that, you

mal-informed. To be honest, those sorts of things do

know, may be insensitive or mal- -- not mal-intended --

A. I have experienced something in professional

regarded in the same way, I suppose there's a difference

Q. Would that be the only difference in treatment

A. I can't recall anything that would kind of not

settings that I would categorize as disregard before.

A. In the sense that not everyone maybe is

comments because, you know, colleagues aren't used to

other than just being underrepresented?

Q. Okay. What about disregard?

Q. Difference in treatment?

you've experienced is disregard?

22 fall -- not, from my perception, fall in that case.

causes other things to happen.

Q. Like?

- A. So "discrimination" is a pretty vague and
  - broad term. Can you define what you mean by
  - "discrimination"?
    - Q. Difference in treatment --
  - 5 A. Difference in --
    - Q. -- because of your gender.
  - 7 A. I'm -- again, I think this is a pretty broad,
  - blanket term. I've had students call me "Mrs." instead
  - "Dr." I assume they don't call their male faculty
  - 10

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- 11 Q. Or "Mr."?
- 12 A. They do, in fact, sometimes call them "Mr." I
- don't know if the rate is the same. So, I mean, that's
- a difference in treatment; but I don't know if it's -- I
- wouldn't necessarily call that "discrimination." You'd
- have to dig into the reasons underlying it in order to
- 17 label it "discrimination" or not.
- 18 Q. Have you experienced any differential
- 19 treatment from management?
- 20 A. By "management," I assume you mean department
- 21 chairs, deans?
- 22 Q. Supervisors.
- 23 A. I have not -- hold on. I'm sorry. Let me
- back up. I would say that, you know, allowing and
- encouraging me to take Modified Instructional Duty when

23

- 1 I was pregnant, especially for my first child, I don't
  - know that at that time that happened for men. So that
  - would have been a difference that came from my
  - Department Chair.
  - 5 Q. Okay. Was that a health difference, a gender
  - 6 difference?
  - A. I don't know. Since that time -- at that time
  - it wasn't as common for men to take Modified
  - Instructional Duty when they were having children.
  - That's more common now. And I think that would play
  - into whether it was a health difference or gender
  - difference; and I will admit to not having picked that
  - 13 apart at the time or since, so I don't know.
  - 14 Q. What about your -- well, let me back off from
  - 15 your personal experience because it sounds like you have
  - not had very many experiences where your gender has been
  - used in such a way that it was a negative experience for 17
  - 18 you. Would that be fair to say?
  - 19 A. I'm sorry. You're asking whether it's fair to
  - 20 say...
  - 21 Q. That you have not actually had much, if any,
  - negative experiences being a woman in engineering?
  - 23 A. I don't -- I don't think I said that.
  - 24
    - A. So I've definitely had negative experiences

25

discrimination in your education or work career?

Q. Okay. So would it be accurate to summarize

that you have not experienced any gender-based

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1 being a woman in engineering.

- 2 Q. Okay. What are those negative experiences
- 3 that you've had?
- 4 A. I've received comments from students. I've
- 5 received comments from colleagues, both in UT and out of
- 6 UT. I was going to say "United States and out of
- 7 United States" because sometimes that happens at
- 8 international conferences. I mean, I've had comments, I
- 9 would say, is the most significant negative experience
- 10 that I have had.
- 11 Q. Undervaluing you, or how would you describe
- 12 the comments?
- 13 A. I mean, they're comments that -- you know, I
- 14 wouldn't have said "undervalued." I would have said
- 15 disparaged; or maybe that's too strong of a word, also.
- 16 I would say -- I don't know. I'm sorry. My vocabulary
- 17 is a little dry today. Negative comments. Negative
- 18 comments because of my gender or things that would make
- 19 me feel uncomfortable because of my gender, I guess,
- 20 would be another way to suggest. And everyone likes to
- 21 feel comfortable in their professional spaces, so that's
- 22 what makes them negative.
- 23 Q. Making you think about the fact that you're a
- 24 woman in the space, instead of just being an engineer in
- 25 the space?

1

- 1 area. I'd done a little bit of work on -- or a little
  - 2 bit of research, not work, but a little bit of reading
  - 3 on inequities in smart cities because, again, that's one
  - 4 of my research areas. And I'd done some reading in the

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- 5 literature on biases in especially, like, faculty
- 6 recruiting processes because I was chairing the Faculty
- 7 Recruiting Committee; and I wanted to make sure that,
- 8 you know, we were doing a good job there.
  - So I wouldn't have said that I was
- 10 anywhere -- and I wouldn't say now that I'm anywhere
- 11 near an expert in the literature, but I had read some
- 12 prior to taking the job and I have read more since.
- 13 Q. And would your reading and research also
- 14 include issues related to retention and not just
- 15 recruiting?
- 16 A. Yes. Are you talking about readings in
- 17 research prior to taking the job or after taking the
- 18 job.
- 19 Q. Both.
- 20 A. So prior, I think I'd read less on retention;
- 21 and since, I've read more, much more on retention.
- 22 Q. And what kind of focus have you had on the
- 23 retention issue related to the studies on gender
- 24 inequities in computing or engineering?
- 25 A. So by "focus," do you mean what activities or

A. That's right.

- 2 Q. As if being a woman was relevant to that
- 3 experience, instead of just being an engineer?
- 4 A. I don't -- actually, I don't know necessarily
- 5 that the comments were at all related to whether or not
- 6 being a woman was relevant in that space, even in the
- 7 minds of the givers of the comments. That puts too much
- 8 credit in the minds of people.
- 9 Q. You mean you're not attributing intent; it
- 10 could have been subconscious?
- 11 A. Yes. I mean, and the fact is I am a woman in
- 12 that space. So in that sense, that is true.
- 13 Q. Fair. Prior to taking this job, and as part
- 14 of the passion that you have for the issue of the under-
- 15 representation of women in engineering, had you educated
- 16 yourself on the studies related to disparities of women
- 17 in engineering and the effects of those on women
- 18 engineers?
- 19 A. Which job are you speaking of, the Associate
- 20 Dean position?
- 21 Q. Yes.
- 22 A. Okay. Yeah. I mean, I specifically had done
- 23 most of my work up to that point on women in computing.
- 24 I was fairly plugged into women in computing, women in
- 25 pervasive computing. That's my particular research

- 1 what research? What do you mean by "focus"?
  - Q. What issues, maybe, that you and the college
  - 3 should be addressing to reduce the negative impact that
  - 4 might affect negatively the retention of females in the
  - 5 college.

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- 6 A. Yeah. Okay. So I think one of the things
- 7 we're working on a lot right now is just even
- 8 understanding what those barriers are, collecting that
- 9 information from people. We have a climate survey open
- 10 right now that's going to help us do some of that.
- 11 Before my taking on this role, they'd, as far as I know,
- 12 never done a climate survey of faculty in the Cockrell
- 13 School. So that's one thing that we've done.
- 14 We've also kind of just looked into best
- 15 practices from other institutions. The University of
- 16 Michigan is one we lean on a lot. You know, what kinds
- 17 of just, you know, actions, activities, policies,
- 18 processes are in place and learning about how we could
- 19 add some of those.
- And then, we have a couple of ideas of
- 21 our own, as well, to kind of look into implementing. I
- 22 don't know if that's answering your question. It was
- 23 kind of a general question.
- Q. Would it be accurate to say that the climate
- 25 study that you say is currently occurring, that would be

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22

30

1 an anecdotal gathering?

- A. What do you mean by "anecdotal gathering"?
- 3 Q. You're getting anecdotal information from the
- 4 faculty?

2

- 5 A. In the sense that anecdotes are, you know,
- 6 bits of stories that people will tell, there is an
- opportunity in the climate survey for people to provide
- those; but there's also a set of, you know, questions
- 9 that we should be able to get some quantitative measures
- 10 from, as well. So we'll be able to look at kind of how
- 11 faculty versus staff versus students answer different
- 12 questions about whether they feel included, whether they
- 13 have the resources that they need to succeed.
- 14 I can't reiterate -- I can't just
- 15 regurgitation all of the questions that are on the
- 16 climate survey right now, but that's the sort of thing.
- We have some numerical questions or some microscale 17
- 18 questions that we'll be able to run numerics on, as
- 19
- Q. Okay. So is it kind of a combination of 20
- measurable and anecdotal information? 21
- 22 A. Uh-huh.
- Q. Okay. And the issues that you're putting in 23
- the survey, I understand you reached out to Michigan for
- assistance there. Have you looked at the -- any studies

- view of the responses from the different groups, and
  - 2 then we can start to make decisions about whether or not
  - we need to ask tailored questions of different groups
  - based on the responses we get.
  - Q. You have to have a baseline for your study?
    - A. That's right.
  - Q. So what activities have you engaged in on the
  - retention side for female faculty in the college that
  - address some of these known negative impacts that women
  - have experienced based upon these studies?
  - 11 A. Again, as the Associate Dean for Diversity,
  - 12 Equity, and Inclusion, is that what you're asking?
  - 13
  - 14 A. Okay. So in my role as Associate Dean, what
  - 15 have I done to address retention of underrepresented
  - groups? And, in general, it's generically 16
  - underrepresented groups, although women are definitely
  - one of the underrepresented groups. And I think the
  - biggest thing we've been trying to do is tackle bias in,
  - I'm going to say, personnel processes. The things we've 20
  - done so far have been focused on faculty recruiting.
    - I spent the lion's share of my work last
  - year focused on faculty recruiting and mitigating bias
  - in that faculty recruiting process. I recently started
  - pushing for there to be more of that same kind of effort
- 31
- 1 of the disparity of the female experience in engineering
- 2 faculty that have been published over the last decade or
- so? 3

8

- 4 A. I have read many of those studies, yes.
- 5 Q. So things like that women in STEM -- women
- faculty in STEM are rated by students lower than men in
- studies that keep the gender as the only issue change?
  - A. Yes. So I'm fully aware of these studies.
- These studies are kind of well-known throughout the
- university, I think. 10
- 11 Q. Okay. So part of your climate study is
- looking into students' teaching scores of the faculty? 12
- 13 No. unfortunately -- well, not unfortunately.
- No, we decided to keep the climate survey, for now, very 14
- short. We wanted to maximize response rates. So we 15
- don't dig in, and it's one climate survey that's gone to 16
- everyone. So we ask kind of the same questions 17
- regardless of whether you're faculty, staff, or student; 18
- 19 and then, we'll partition the responses we get based on
- 20 whether it's from faculty, from staff, or student.
- 21 The idea behind that -- and we had, you
- 22 know, a set of people who were tasked with designing
- 23 that who are more expert in surveys and how to
- 24 administer them: but the rationale behind that was, you
- know, we've not done this before. We'll a get a first

- in the faculty annual review process, so the same kind
  - of training to recognize biases and to mitigate those
  - biases in those processes. I think that, on the
  - retention side, would be the -- I'm trying to think if
  - there's any other; but I think on the retention side,
  - that would be the largest thing that we've done.
  - 7 One other thing that we're trying to
  - design to do is what we call -- what we're referring to
  - as "stay interviews," the idea being, rather than
  - waiting for faculty to leave and fail to retain them and 10
  - 11 then ask why are they leaving, find faculty who may have
  - had ample opportunity to leave but chose not to and find
  - 13 out why they didn't and so try to couple those two
  - 14 together so that we can learn more about the situation.
  - 15 We haven't designed that yet, but that's one of the best
  - 16 practices that we're looking at from other places.
    - Q. So a targeted climate study?
  - 18 A. Yeah, it would be more like a focus group, an
  - 19 interview, right?

17

- 20 Q. When did you first let Dean Wood know that you
- 21 were interested in leadership roles?
- 22 A. So I participated in a leadership training --
- I hate the word "training" -- but a training program for
- women academics in STEM, in the national program. It
- was a year long, called ELATE -- or it was called

33

1 "ELATE" at the time; it's been renamed ELATES.

2 Q. How do you spell that?

A. It's E-L-A-T-E. It's run by Drexel

4 University. I spent a year. And it's, you know, you

5 read a bunch of, you know, articles about academic

6 leadership. We had, I think, three or four onsite

7 meetings in Philadelphia with this group of cohort of

8 about 20, 22 people, 22 women faculty in STEM, on things

9 ranging from, you know, academic budgets to leadership

10 styles to -- you know, just what's involved in academic

11 leadership.

3

12 And as part of that program, I was asked

13 to -- I was asked to interview leaders at all levels of

14 the university, right? So I sat with the Dean and my

15 Department Chair and the Dean, the Provost, and the

16 President for half an hour each, just to kind of have

17 these conversations.

18 But, on top of that, Dean Wood was

19 actually funding my participation in the program; so I

20 had several conversations with her. And so it was

21 through that program, kind of my exit interview with her

22 from the program, like, "Would you recommend it; should

23 we do it for other faculty in the college," that I

24 expressed to her that I was, in fact, interested in

25 positions and, you know, with her being the Dean, if

1 sounds like 2018 would be, maybe --

A. Yeah, it was a workshop; but, I mean, though

3 summer sounds wrong. That's what sounds wrong to me

4 about that.

5 Q. Okay.

6 A. The workshop started in the summer and we met

7 for the first time, probably, in August and then maybe

8 met, again, in, like, November and then maybe again --

9 I'm guessing, but this is kind of what I remember. I do

10 remember that the very last meeting was in March in

11 Philly, and there was a massive snowstorm. And the

12 deans were all supposed to come for our final project

13 presentations and none of them could make it in because

14 we had all been in for the week and the snowstorm closed

15 the airport. And she was unable to do that, but that

16 would have been March. I'm sorry. I would have to look

17 back and find the records of what year it was. I don't18 remember when it was, three or four years ago.

19 Q. All right. Do you remember -- and I

20 understand you say you don't remember, and sometimes

21 asking you questions might jog your memory.

22 A. That's fine.

23 Q. I'm not trying to badger you or anything, just

24 offering you opportunities to remember. Do you recall

25 if it was before or after Dr. Nikolova went up for

1 there were opportunities, I was interested in them.

2 Q. What year was that you did this program?

A. I knew you were going to ask that. I don't

4 remember. It was a few years ago, maybe three years

5 ago

3

12

6 Q. I understand that there was a leadership

7 workshop that was conducted in the summer of 2018.

8 Would that have been part of this program?

A. Summer of 2018, a leadership workshop. I

10 don't know. I'm sorry. I don't know what that's a

11 reference to --

(Simultaneous speakers.)

13 Q. -- a workshop with Dean Wood and others?

14 A. Would I have been in a workshop with

15 Dean Wood?

16 Q. And other female university people.

17 A. Just in UT? I'm sorry.

18 Q. I think there could be other people involved

19 besides just UT faculty.

20 A. I'm sorry. I...

21 Q. Nothing comes to mind?

A. It doesn't ring a bell for me. That doesn't

23 mean anything, right? I participate in a lot of these

24 sorts of workshops.

25 Q. Okay. But you said three years ago, so it

35

1 tenure?

2 A. I'm sorry. That doesn't help me jog my

3 memory. I do not recall.

4 Q. All right.

A. It was shortly after the new Biomedical

6 Engineering Department Chair joined because she also

7 attended this program.

8 Q. Okay.

9 A. So I spoke with her -- well, the first time I

10 met her was speaking with her about whether or not this

11 was a good idea to do, so.

12 Q. And who was that person?

13 A. Shelly Sakiyama-Elbert is her name. She's the

14 Chair of Biomed.

15 Q. Okay.

A. To be clear, she had done the program at her

17 previous academic institution before she joined UT.

18 Q. And so it was people from across the country.

19 Was it also international?

20 A. No -- well, a couple of people from Canada, so

21 the same way Major League Baseball is international,

22 right?

23 Q. Hockey, et cetera. Okay.

24 And this leadership group that you were

25 working with, it was -- was it focused on looking at

37

1 moving into administration and it really didn't have a

- 2 diversity equity component; or how would you describe
- 3 it?
- 4 A. Yeah. So I wouldn't -- I wouldn't actually
- 5 take your statement as truth because I think that the
- 6 program, its purpose was to prepare women for academic
- 7 leadership positions, whether classical administration,
- 8 in the sense of department chairs, deans, associate
- 9 deans, presidents, whatever or less classical ones,
- 10 director of the research center. So it was kind of all
- 11 leadership positions across the board.
- 12 But on top of that, I will say that in
- 13 this particular leadership program, there was a
- 14 definite -- it wasn't solely focused on DEI; but there
- 15 was a definite philosophy that a good leader is one who
- 16 masters diversity, equity, and inclusion. And so I
- 17 would say that it's not possible to divorce that
- 18 leadership training -- or I would say any leadership
- 19 training -- from the issues of diversity, equity, and
- 20 inclusion.
- 21 Q. And it was targeted at women?
- 22 A. It was only for women. Everyone who
- 23 participated was a woman.
- Q. So that it would presuppose diversity, equity,
- 25 and inclusion, I would assume?

- 1 came to campus, but I can't be absolutely certain I
  - 2 didn't meet her as part of her on-campus interview. I
  - 3 don't recall.
  - 4 Q. How many women were in your department when
  - 5 you started?
    - A. When I started, I believe there were three, I
  - 7 think. They were all -- I do know they were all full
  - 8 professors when I started.
  - Q. And since you've gotten there, between when
  - 10 you got there and Dr. Nikolova got there, how many women
  - 11 came?

6

9

- 12 A. Off the top of my head, I can think of one;
- 13 but I don't know. That's not a definitive answer. I'd
- 14 have to go back and look at how the faculty changed over
- 15 that time.
- 16 Q. Would it be accurate to say that the
- 17 department has -- or the department has not done a good
- 18 job of recruiting and retaining women, from your
- 19 experience?
- 20 A. I've been in the department for 16 years. I
- 21 think our efforts at recruiting and retaining women
- 22 have changed dramatically over that period of time, and
- 23 so I can't use one blanket statement to characterize all
- 24 16 years. I think we've done an excellent job recently.
- 25 I think that in my first several years we did struggle,

- A. I don't know. I wouldn't -- I don't
- 2 necessarily agree with what you're saying. I don't
- 3 necessarily think that it's true to assume that every
- 4 woman has a bend towards diversity, equity, and
- 5 inclusion work.

1

- 6 Q. No, but that would be a part of the leadership
- 7 discussion if you focus your communication and program
- 8 at one particular aspect of --
- 9 A. Again, I can't agree with that statement just
- 10 because I can't agree that just because you put a bunch
- 11 of women in a room and talk about leadership, it's a
- 12 foregone conclusion that DEI is going to be a part of
- 13 that, just because women are underrepresented.
- 14 Q. I thought that's exactly what you said in your
- 15 answer, that if you're talking about leadership,
- 16 diversity and inclusion have to be a part of it?
- 17 A. That is what I said. I said if anyone is
- 18 talking about leadership, the philosophy of this
- 19 program -- and I agree with that philosophy personally
- 20 as a leader -- that if anyone is talking about
- 21 leadership, that DEI should be a part of it. I don't
- 22 think that has anything to do with the fact that it was
- 23 just women in that room.
- 24 Q. Okay. When did you first meet Dr. Nikolova?
- 25 A. I'm not sure. I think we first met after she

1 so.

39

- Q. And where did you see that change happen?
- A. What do you mean, where?
- 4 Q. Where in time did you see that happening?
- 5 A. Oh, okay. Oh, I would say probably in the
- 6 last five or six years is when. Probably about the time
- 7 that Eddie first joined the department was when we kind
- 8 of really started to see a shift.
- 9 Q. Okay. And what would you attribute that shift
- 10 to?
- 11 A. I don't know. I don't know. I think more
- 12 conversations and more people of all stripes joining
- 13 that conversation about how important it was to have a
- 14 diverse faculty. And so I think, you know, it's one of
- 15 those: You build critical mass and you build momentum
- 16 from that critical mass and, you know, snowballs roll
- 17 down mountains. So I think that's the change we've
- 18 seen.
- 19 Q. Prior to Dean Wood coming to you to recruit
- 20 you for the Assistant Dean position, had you done any
- 21 work on diversity and inclusion in your department?
- 22 A. Yes.
- 23 Q. And what did you do?
  - 4 A. A lot of what I had done was support of our
- 5 women students, and I am still the advisor for the women

1 in the ECE group. And I give the students a lot of A. Well, it's -- it is an annual committee. As 2 credit for the creation of that group; but the truth is

3 I don't think the group would have started if I hadn't

4 pushed it, you know, as the faculty mentor. And so they

5 just celebrated -- I guess, it was two years ago. I was

6 going to say they just celebrated their ten-year

7 anniversary; but it's twelve now, I think. So I think

that was a big step. I think giving our female students

that community was really important, and I worked hard

10

11 I've also worked really hard at trying to

12 broaden participation generally in computing,

specifically for -- I think I mentioned this before --13

14 underrepresented middle and high school students.

15 Q. I asked another bad question.

16 A. I'm sorry.

17 Q. No, no, it's not you. It was me. I wanted to

18 focus your answer on faculty, not students.

19 A. Oh, okay. So your question rephrased would be

20 what have I done within the department to -- I'm sorry.

Can you just ask it again? I think that would be better 21

22 for all of us.

23 Q. I don't know if I even remember it.

24 MR. NOTZON: Debbie, do you know?

25 THE REPORTER: I can read it.

2 long as we have openings to hire, we have the committee;

44

45

3 and as far as I can remember back, we've had openings to

4 hire. So we've had the committee every year. I chaired

5 it two years. I'd have to go back and look at my notes

to be able to tell you even which two years that was.

7 And then, in addition, I've served on it another couple

years as a member of it; but, again, I'd have to go back

and look at my notes.

10 Q. Would you agree that that was one of the more

11 time-intensive committees?

12 A. I would.

13

20

Q. And do you recall Dr. Nikolova being on that

14 committee with you at any time?

15 A. I don't recall the membership of the

16 committee, even when I chaired it or didn't chair it. I

17 know that she has served on the committee, and I know

18 that I have served on the committee. So I'm sure it's

very likely that we overlapped, but I don't recall.

Q. How do you recall that she has served on the

21 committee?

22 A. Just -- I don't know. I guess maybe I could

23 be wrong about that, also. I don't -- I don't know.

24 Q. Okay. I was just wondering, you know, did you

25 know from a list. That's why I was thinking you were on

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(The requested material was read as

2 follows:

1

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"QUESTION: Prior to Dean Wood coming to

4 you to recruit you for the Assistant Dean position, had

5 you done any work on diversity and inclusion in your

6 department?")

7 A. Okay. So now, I'm going to add "for faculty,"

8 right, to the question?

9 Q. (BY MR. NOTZON) Right.

A. I would say not a lot. I think that I had 10

11 done some work when I chaired the Faculty Recruiting

12 Committee to talk -- have conversations within the

13 committee about biases and how biases can creep into

that process and why it's important for us to mitigate 14

them. I think that everything else I had done would be 15

16 characterized as more informal, speaking out in faculty

17 meetings, yeah.

18 Q. Being a female presence?

19 A. Yeah.

20 Q. Okay. Did Dr. Nikolova join you in that

21 faculty recruiting effort? Was she on that committee?

A. I don't remember. I'm sorry.

23 Q. How many times have you been on the Faculty

24 Recruiting Committee? Is it an annual thing that you

25 re-up for?

22

1 the committee together; if you don't know, you don't

2 know. That's fine.

A. I don't know.

Q. How about, do you recall having conversations

5 with Dr. Nikolova about being on the Faculty Recruiting

Committee during her probationary period and the time

factor involved and how it might impact her?

8 A. Yeah, I don't recall having that conversation

with Dr. Nikolova.

10 Q. Okav.

11 MS. HILTON: Robert, whenever it's

12 convenient, maybe in the next few questions, can we take

a break? We've been going for about an hour.

MR. NOTZON: We have to break for an 14

15 hour?

16 MS. HILTON: Oh, no. We've been going

for about an hour. 17

18 MR. NOTZON: Oh, okay. I'm sorry. I

19 didn't hear you. I'm like, what? No, we can take a

20 break.

21 MS. HILTON: Perfect. Thanks.

22 MR. NOTZON: I'm sorry. I just didn't

23 hear you.

24 MS. HILTON: No. that's fine.

25 MR. NOTZON: All right.

THE REPORTER: We're going off the record at 10:56 a.m.

- 3 (Off the record from 10:56 to 11:10 a.m.)
- THE REPORTER: We're back on the record
- 5 at 11:10 a.m.
- 6 Q (BY MR. NOTZON) Okay. We're back from the
- 7 break; and just to clarify, Professor, the start of your
- 8 position as an Associate Dean, when you started as an
- 9 Assistant Dean, that was the first time that the School
- 10 of Engineering had ever done that, correct?
- 11 A. Yes, I was the first person in that role. Can
- 12 you hear me?
- 13 Q. Yes, I can.
- 14 A. Okay. Just making sure.
- 15 Q. And do you recall -- or do you understand that
- 16 the start of that position is, in part, related to
- 17 Dr. Nikolova's complaint stemming from her denial of
- 18 promotion in the spring of 2019?
- 19 MS. HILTON: Objection, form.
- 20 A. I was not told that was a reason for the
- 21 position. I didn't know that. I don't know that to be
- 22 true
- 23 Q (BY MR. NOTZON) Okay. Temporally, it lines
- 24 up though, correct?
- 25 A. In the sense that the position was created

- 1 in engineering, I didn't go further and ask you what
  - 2 were those negative experiences that you specifically

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- 3 had at UT from faculty, not from students.
  - A. So you're asking me now to relay the
- 5 experiences that I had at UT?
- 6 Q. Yes, please.
- 7 A. Okay. Yeah, so I've had a case where a
- 8 faculty member -- a female faculty member was with me;
- 9 and another male faculty member commented on how nice
- 10 she looked in bike shorts. I thought that was a
- 11 negative experience.
- 12 Q. I'd like names, please.
- 13 A. Oh, okay. Well, this was during my
- 14 interview as an Assistant Professor. The woman that was
- 15 with me -- she was dropping me off -- was Rebecca
- 16 Richards-Kortum. She's no longer at UT. And Yale Patt
- 17 was the person who made the comment to her. So that was
- 18 one.
- 19 In the very first faculty meeting I
- 20 attended in my department, an older faculty member,
- 21 who -- I don't remember who it was. I remember that it
- 22 was an older male -- white male faculty member said to
- 23 me, earnestly and genuinely, "If you're here and your
- 24 husband is also at work, who's at home taking care of
- 25 cooking and cleaning?" And so that's...

- 1 after the lawsuit, yes.
- 2 Q. After she complained, not after the lawsuit.
- 3 A. I'm sorry. You're right. After she
- 4 complained. Yes, you have the dates correct for those
- 5 things.
- 6 Q. It was only a few months from her denial of
- 7 promotion and her raising the issues of gender and
- 8 pregnancy discrimination to CCAFR and CCAFR's request
- 9 that efforts be made to address, study, and look at
- 10 those issues that your position was created, correct?
- 11 A. I don't know the specific dates of those; but
- 12 if those are the dates, that's the order it happened in.
- 13 Q. Okay. Would it be accurate that you had not
- 14 heard of any efforts -- given your passion for the topic
- 15 over the years, that you had not heard any efforts from
- 16 the College of Engineering to create this position prior
- 17 to the Spring of 2019?
- 18 A. I had not heard of any efforts of the college
- 19 to create this position, that's correct.
- 20 Q. Prior to the Spring of 2019?
- 21 A. I'm sorry, yes. Prior to the Spring of 2019,
- 22 yeah.
- 23 Q. Earlier when you talked about that you had had
- 24 some negative -- negative comments, I think, was the
- 25 only experience you had at UT related to being a woman

- 1 And then others are I've had negative
  - 2 comments or at least comments that made me uncomfortable
  - 3 on my course instructor evaluations from students.
  - 4 Q. From faculty.
  - 5 A. Okay. I'm sorry.
  - 6 Q. Faculty or administration.
  - 7 A. I've never experienced any from the
  - 8 administration I can say for certain.
  - 9 And those are the ones that stick in my
  - 10 head that I would construe as negative experiences,
  - 11 negative comments; and I just thought of another one. A
- 12 comment was made in my presence about another female
- 13 faculty member who was single, and it was just another
- 14 male faculty member who I don't remember. I'm sorry.
- 15 You wanted names. The female faculty member in question
- 16 was Margarida Jacome -- she's passed away since -- and I
- 17 don't remember the male faculty member who made the
- 18 comment. But basically it was something to the effect
- 19 of: She's single. She's always been single. I wonder
- why she's not married. She seems like quite a catch.
  So I think that -- the fact that the comments stick with
- 22 me is what kind of labels them, in my mind, as negative,
- 23 so.
- 24 Q. I was steeling myself for the comment --
- 25 A. I know. I'm sorry. I didn't deliver.

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Q. -- that you didn't deliver. I mean, a guy's a

- catch, too. So, anyway. All right.
- 3 A. Well, yeah. Sorry.
  - Q. So that would be the sum total of negative
- 5 experiences that you've had from faculty members that
- you can recall, sitting here today, at UT?
- 7 A. That's what I can recall from at UT, faculty
- 8 members, negative experiences, yes.
- 9 Q. Okay. Let me broaden the question to what
- you've observed. Negative experiences from other
- women -- that you've observed other women to have
- 12 experienced. And I understand the shorts comment would
- fall in there. 13

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- 14 A. Okay. So some of these were other women
- 15 experiencing them.
- 16 Q. But, yeah, that other women experienced or
- directed at other women that you're aware of. 17
- 18 A. That I'm aware of, I guess, is different than
- 19 observing, right?
- 20 Q. Sure. Let's start with observed.
- 21 A. I think I covered the ones that I observed
- 22 just because, as an observer, I find them to be negative
- 23 experiences myself, so.
- 24 Q. Yeah.
- 25 A. I can't think of others that I've observed.

- 1 Q. Given your field. Okay. Understood.
  - Any others that you've observed, and then

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- 3 we'll move to the broader category of -- well --
- A. Again, we're still talking about faculty,
- right? Faculty on faculty, if you will? 5
- 7 A. Yeah, I think that's pretty much what I can
- 8 recall.
- 9 Q. All right. So the next broadening would be
- 10 not that you're aware of -- I think that would be the
- last broadening category. The next would be that you
- have heard about from the woman.
- A. So cases where a woman has said something to 13
- 14 me about...
- 15 Q. Their negative experience.
- 16 A. Negative experience. I mean, there's
- 17 obviously --

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- 18 Q. Sticking with the faculty, still.
- 19 A. Faculty on faculty or administration?
  - Q. Yes, faculty and above.
- 21 A. So there's, obviously, the cases that Eddie
- 22 brought up, so Eddie expressing a concern that the
- tenure decision was related to her gender or an
- implication that that might happen.
- 25 Q. Let's leave Dr. Nikolova off to the side.

- Q. Okay. And I want to make sure that we're not
- 2 just talking about comments. We're talking about any
- 3 negative experience that you, from your experience, may
- 4 attribute to gender.
- 5 A. Yeah. So some things I would attribute to
- gender have come up over time in faculty recruiting; and 6
- one way this comes up that I see as a negative that I
- think is gender based is when we're discussing hiring a
- female faculty member, the conversation will turn to
- what her husband does and whether he also needs a 10
- 11 position. And, again, it's my perception that that 12 tends to happen much more frequently for women than it
- 13 does for men.
- 14 Q. Yeah, but it's both ways, right, because you
- could ask that question both ways? 15
- 16 A. Either way, yeah.
- 17 Q. But it doesn't happen --
- 18 A. Yeah.
- 19 Q. -- from your experience?
- 20 A. It has happened the other way, also. It just
- 21 seems to happen, in my perception, more frequently when
- the person we're considering is a woman. 22
- 23 Q. A non-scientific study?
- 24 A. Completely non-scientific. I'm almost
- 25 embarrassed by it.

- A. Okay. 1
- 2 Q. And we'll talk about those separate --
- 3 A. Okay.
- 4 Q. -- if that's okay with you.
- 5 A. Sure.
- 6 Okay.
- 7 So there was another female faculty member,
- who she left; she went to UCLA. Her name is Miryung
- Kim. We were close friends -- or we are close friends.
- And I'm trying to recall if we've had conversations
- 11 about concerns about faculty, and I don't recall any.
- 12 If we broaden it to students, I can
- 13 discuss that. I'm sorry. I don't have any others.
- Q. So would it be Dr. Kim? 14
- 15 A. Dr. Kim, yes.
- 16 Q. Okay. Was Dr. Kim -- and that's her last
- 17 name?
- 18 A. Her last name. Miryung is her first name.
- Q. Okay. You know, it could be confused --19
- 20
- 21 Q. -- in the English-speaking world, most likely
- 22 the United States.
- 23 Dr. Kim, so she left. She had a negative
- 24 gender experience, but it wasn't with a colleague or
- 25 administration?

A. I think her struggles were with students --

- 2 she had some concerns about students that she related to
- 3 me.

1

- 4 Q. Students were mistreating her as a woman?
- 5 A. I think that she -- the way that I had
- 6 interpreted the conversations that she and I had was
- 7 that the students were responding to her differently
- 8 than they would a male instructor.
- 9 Q. Okay. And just to -- I don't want to get into
- 10 any details, necessarily. This would be a non-sexual
- 11 difference in treatment?
- 12 A. Yes. Although, I just now, through this
- 13 conversation, remembered another female colleague
- 14 mentioning a sexual difference in treatment from
- 15 students, as well, so.
- 16 Q. But finishing with Dr. Kim, it was more her
- 17 interactions with the students and feeling not
- 18 respected, like she felt like a male professor would?
- 19 A. She felt the students treated her differently,
- 20 expected different things from her, because she was a
- 21 woman, than they would a male instructor.
- 22 Q. All right. And what is the other individual
- 23 that you just remembered?
- 24 A. I'm sorry, yeah. The other person is Mary
- 25 Eberlein.

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- 1 package, kind of in that timeframe; but I think it was
  - 2 more implied than explicit.
    - 3 Q. Do you remember the context?
  - 4 A. Yeah. The context was -- so one of the
  - 5 contexts was around course instructor evaluation; and
  - 6 she asked me the question had I ever -- did I feel like
  - 7 my course instructor evaluation scores, like, the
  - 8 numeric scores were different because I was pregnant.
  - 9 And so I kind of took from that -- she didn't explicitly
  - 10 say so, but I took from that an implication that she
  - 11 wondered if maybe hers were.
  - 12 Q. And that's the student scores?
    - A. That's the student scores, yeah. I'm sorry.
  - 14 I keep mixing this up. You're asking specifically about
  - 15 faculty?

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- 16 Q. No, no, no, I want anything gender related
- 17 between -- that Dr. Nikolova and you discussed.
- 18 A. Okay. So there was that.
- 19 Q. And what was your response?
  - No, I did not feel that was the case.
- 21 Q. Okay. Had you been aware of any studies where
- 22 that was identified as a factor, gender?
- 23 A. Gender for sure. Actually, that was the first
- 24 time I had considered pregnancy, when she asked; and I
- 25 am not aware of any studies that looked at pregnancy

Q. Okay.

- 2 A. She was a non-tenure track, so a teaching-
- 3 track faculty, which means her role is solely teaching;
- 4 there's no research portion of it. And, yeah, she was
- 5 treated differently in the classroom, effectively asked
- 6 out on a date by a student.
- Q. Okay. All right. And so that's the sum total
- 8 of your experiences where a female has complained to you
- 9 about being mistreated as a female in the department by
- 10 faculty -- well, that was a student one; but, yeah.
- 11 So if we broaden it to "aware of," are
- 12 there any others out there that are women faculty that
- 13 had issues with being treated differently because
- 14 they're women, from faculty or above?
- 15 A. Yeah. I don't -- I can't recall any
- 16 additional ones.
- 17 Q. Okay. With Dr. Nikolova, going back to
- 18 her, what was the first time that you recall her
- 19 mentioning -- well, the first time you observed or the
- 20 first time you mentioned -- she mentioned to you that
- 21 she felt like her gender may have been a factor when it
- 22 shouldn't have been?
- 23 A. I think the first time I recall it being
- 24 explicitly mentioned was near when she was, like, just
- 25 finishing her third-year review and preparing her tenure

1 specifically. That doesn't mean they don't exist. But,

- 2 yeah, I was aware at the time when she asked and
- 3 probably included this in my response to her that there
- 4 were studies that showed that women do tend to receive
- 5 statistically lower course instructor evaluations when
- 6 you've controlled for everything else; but, again, that
- 7 hasn't been my experience. But, I mean, I'm comparing
- 8 myself to myself, right? So I don't know.
- 9 Q. How do you know, right?
- 10 A. Yes, there's no way to know for one
- 11 individual. So you can only look at that, really, for
- 12 that. That's why the studies include scores from a
- 13 broad range of institutions.
- 14 Q. So, from your own experience, either you're
- 15 not being under scored because you're a female or
- 16 because you were pregnant at the time; or you actually
- 17 should be getting higher scores than you're getting.
- 18 And you're doing really well?
- 19 A. Right -- well, I guess. I mean, my scores are
- 20 high, to begin with.
- 21 Q. That's what I'm saying.
- 22 A. Yeah, so.
- 23 Q. You're doing very well, but maybe you should
- 24 be doing even better?
- 25 A. Yes, there is no way to know.

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1 Q. Right. Other than -- I mean, let's talk about

- 2 the studies, right? Do you -- the studies you've read
- 3 and that you've looked at, are they peer reviewed? Are
- 4 they credible, reliable sources of information that you
- 5 use in your job as Associate Dean?
- 6 A. Yes.
- 7 Q. So, you know, there's no way to know; but
- 8 there is a way to know that, when you read these studies
- 9 and they exist and they're replicated and they're peer
- 10 reviewed, doesn't that, in fact, tell you that you know
- 11 that you've been under scored?
- A. No. So the studies specifically don't say
- 13 anything for any particular individual. The studies say
- 14 something for an average and they are peer reviewed and
- 15 they are robust studies, which means they have
- 16 statistical significance, which means they're covering a
- 17 very, very large sample and controlling for all kinds of
- 18 things. Again, not my area; but I understand and trust
- 19 the venues that they've been published into and that of
- 20 this research. And I think that the understanding and
- 21 the application is in the aggregate. The application is
- 22 not to the individual.
- 23 Q. Okay. So despite the fact that you're a woman
- 24 in STEM and you're teaching and you get scores, just
- because that study is robust and says, you know, on the

- 1 at the study?
  - 2 A. I think that, in my opinion, and I think the
  - 3 way we're trying to push policy at the university is
  - 4 that the scores are not the be-all, end-all evaluation
  - 5 of teaching. So, yes, you have to look at a wide
  - 6 variety of things.
  - 7 Q. Put the scores in context?
  - 8 A. Correct.

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- Q. Okay. Recognizing that the scores are not
- 10 necessarily gender-free measures of performance?
- 11 MS. HILTON: Objection, form.
- 12 A. The scores should be placed in context because
- 13 there's a lot of different reasons why they are not
- 14 perfect measures of teaching performance and outcomes,
- 15 learning outcomes, and all kinds of different things,
- 16 not just gender. Gender is one piece. Race is a piece.
- 17 Difficulty of course is a piece. Whether or not the
- 18 course is required is a piece. These all play into
- 19 under scoring or over scoring an instructor for a
- 20 particular course.
- 21 Q. (BY MR. NOTZON) And since Dr. Nikolova's
- 22 issue about pregnancy, have you determined that
- 23 pregnancy is also an issue that's been studied?
- 24 A. I haven't. I believe that when she asked me
- 25 this question, I did try to find some studies on this;

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- 1 average, women are under scored compared to men just
- 2 because of their gender, your experience could -- is not
- 3 mandated to have that average result? You could be not
- 4 under scored at all, from your personal experience.
- 5 That's what you're saying, right?
- 6 A. Yes. What I'm saying is that the aggregate
- 7 study says that, on average, women are under scored,
- 8 which basically means quite likely that some women are
- 9 not under scored at all -- and, perhaps, might be over
- 10 scored -- and some other women are under scored
- 11 dramatically, right? And it all averages out to, on
- 12 average, under scoring.
- 13 Q. Okay. And so if you were to -- so what you
- 14 can say is, conclusively, you don't know what's going on
- 15 with you; but there's a chance that you're being under
- 16 scored, based upon the study?
  - MS. HILTON: Objection, form.
- 18 A. I would say that, based on the study, what the
- 19 study says, is that there is a higher likelihood that I
- 20 am being under scored than my white, male colleague,
- 21 teaching the same class.

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- 22 Q. (BY MR. NOTZON) And if you wanted to look at
- 23 your personal experience and whether or not you're being
- 24 under scored, you'd have to look at other data. You
- 25 can't just look at your scores, and you can't just look

- 1 and I don't recall finding any. But I maybe missed
  - 2 them, or I don't know. But I haven't seen any, you
  - 3 know, peer-reviewed studies on the same -- on that topic
  - 4 in the same way that they do gender. It's possible it's
  - 5 because, specifically, there's not enough data. I don't
  - 6 know.
  - 7 Q. Or you haven't seen it because you haven't
  - 8 looked for it since, and they've now come up with it?
  - 9 A. Yeah.
  - 10 Q. Would that be accurate that since Dr. Nikolova
  - 11 raised it, you haven't looked up that issue?
  - 12 A. I don't know. I do a lot of looking for bias
  - 13 in course instructor ratings, bias in faculty
  - 14 evaluations, bias in all kinds of things. It's part of
  - 15 my job to do that. I don't believe I've done a specific
  - 16 Google search for, you know, impact of pregnancy on
  - 17 course instructor evaluations; but it's possible that
  - 18 I've come across some literature and forgotten it since
  - 19 then.
  - 20 Q. And based on pregnancy, do you believe that
  - 21 that could be a factor?
  - 22 MS. HILTON: Objection, form.
  - 23 A. You're asking whether I believe pregnancy
  - 24 could be a factor in students' course instructor
  - 25 evaluations?

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1 Q. (BY MR. NOTZON) Yes.

- 2 A. I believe that anything a student can perceive
- 3 in the classroom could impact how they rate the
- 4 instructor, so. I mean, I've gotten lower or higher --
- 5 I'm not sure -- ratings based on a pair of boots that I
- 6 wear to class on a regular basis. So it's unclear how
- 7 it would impact the course instructor evaluations, to
- 8 me.
- 9 Q. Is this another one of your non-scientific --
- 10 A. Yes. I mean, yes. Yeah.
- 11 Q. Okay. Is part of your role as Associate
- 12 Dean identifying sources of bias in recruitment and
- 13 retention --
- 14 A. Yes.
- 15 Q. -- and trying to deal with it?
- 16 A. Yes.
- 17 Q. And what would you -- what could you say are
- 18 some of the sources of bias in retention issues?
- 19 A. So the way that bias can impact retention, I
- 20 think --
- 21 Q. I'm sorry. I used the word "source." I
- 22 really meant "signs," like, the existence of bias, not
- 23 where it comes from.
- 24 A. Okay. So I think bias -- bias can impact
- 25 retention specifically in how it's used to rate faculty,

- 1 of a difference in treatment or this person's allowed
  - 2 to, you know, do something, turn in late -- turn in
  - 3 their information late and this person isn't and the
  - 4 difference -- you know, so a difference in treatment
  - 5 might be a sign of bias.
    - A. I'm still confused if you're asking about
  - 7 whether the difference in treatment is a sign of bias or
  - 8 if bias is causing the difference in treatment.
    - Q. The first.
  - 10 A. So if I notice a difference in treatment -- I
  - 11 can say these two people were clearly treated
  - 12 differently -- and then I ask whether or not that was
  - 13 caused by bias, this is your question, what are we doing
  - 14 on that?

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- 15 Q. No, that just identifying a difference in
- 16 treatment is a sign that bias might be in play; and are
- 17 there other things that you're looking for besides
- 18 differences in treatment?
- 19 A. I'm not trying to be dense. I really just
- 20 don't understand what you're asking. I'm sorry.
- 21 Q. Well, let me ask if you agree that a
- 22 difference in treatment between two faculty members of
- 23 different genders could be a sign that bias is in play.
- 24 Is that accurate?
- 25 A. If two faculty members are treated

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- 1 I think. I think other issues related to DEI might also
- 2 impact retention, but I'll answer specifically for bias.
- Q. Let me stop you.
- 4 A. Okav.
- 5 Q. Let me re-ask the question because that was
- 6 really disjointed. I apologize.
- 7 So when you're looking at a situation
- 8 within faculty-to-faculty or faculty-to-administration
- 9 interaction and you're trying to eliminate the
- 10 possibility or existence of bias, what are you looking
- 11 for in terms of the signs that might indicate that bias
- 12 is present?
- 13 MS. HILTON: Objection, form.
- 14 A. I think I'm still confused about your
- 15 question. So I'm looking at -- observing or listening
- 16 to a report of an interaction between two faculty
- 17 members and asking whether or not bias impacted that
- 18 interaction?
- 19 Q (BY MR. NOTZON) That could be one or, like I
- 20 think you said, an example would be that -- you know,
- 21 for example, one faculty member in a particular
- 22 situation -- let's say, for example, one faculty member
- 23 is given an assignment and another faculty is not given24 an assignment and the only difference between the two
- 25 are their gender or their race or, you know, that kind

1 differently, there could be bias behind the different

- 2 treatment, yes.
- Q. Okay. And so the question will be if a male
- 4 and a female are treated differently, there could be
- 5 bias.
- 6 The next question: If every time -- like
- 7 the timing of events, every time something happens for a
- 8 woman, this is the result; and so it's also a difference
- 9 in treatment. But every time it happens to a man,
- 10 nothing happens. So I guess that's also a difference in
- 11 treatment, but there's a timing issue involved in
- 12 identifying the bias. Would you agree that that could
- 13 also form a sign of bias?
- 14 MS. HILTON: Objection, form.
- 15 A. Anytime two people are treated differently,
- 16 bias could be one explanation for the difference in
- 17 treatment if there's something else that's different
- 18 about them, race or gender or disability. It's not
- 19 necessarily the case that bias is the reason for the
- 20 different treatment, but it's possible that bias is the
- 21 difference.
- 22 Q. (BY MR. NOTZON) If there's a false
- 23 explanation that's provided to justify the difference in
- 24 treatment, would that also lend credence to the
- 25 possibility that bias was at play?

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1 MS. HILTON: Objection, form.

- 2 A. I don't believe that if there's a false
- 3 explanation, that there's any more justification --
- 4 like, any more strength in the belief that it was bias
- 5 versus not. I don't think that would change the
- 6 potential for bias impacting the decision.
- 7 Q. (BY MR. NOTZON) Why is that? Why does that
- 8 not increase the chance of bias?
- 9 A. Because the explanation happens after; the
- 10 bias comes before.
- 11 Q. Right, but the explanation could be trying to
- 12 hide the bias.
- 13 A. It could be trying to hide the bias. It could
- 14 be trying to hide something else. It could be a
- 15 mistake. I think reading into that would be beyond -- I
- 16 don't think it changes the likelihood that bias
- 17 influenced the decision in the first place. That's my
- 18 opinion.
- 19 Q. The likelihood of finding or the likelihood
- 20 that the bias was there or identifying -- it doesn't
- 21 help you identify that somebody could be trying to hide
- 22 something that they know to be improper or illegal
- 23 behavior?
- 24 MS. HILTON: Objection, form.
- 25 A. Can you -- so can you -- help me with the

- 1 gender is wrong.
- 2 Q. Right. And when called out on it, might want
- 3 to deny that their actions were gender-based bias?
- 4 MS. HILTON: Objection, form.
  - A. Many people believe -- and the research backs

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- 6 this up -- that those engaging -- so people who engage
- 7 in bias, making bias-influenced decisions do not realize
- 8 that they are doing it. And that's the nature of bias.
- And when confronted with it, they still don't believe
- 10 that they engaged in biased behavior, genuinely don't
- 11 believe that they engaged in biased behavior. There's
- 12 plenty of research that shows that this is the case.
  - Q. (BY MR. NOTZON) So they will deny it.
- 14 Whether they believe it or not, they would deny it?
  - MS. HILTON: Objection, form.
- 16 A. A person who -- I'm sorry. I'm not exactly
- 17 sure what you're asking; but a person who engages -- has
- 18 bias, which is -- you know, all of us have bias and if
- 19 that bias influences a decision in an unmitigated way,
- 20 in some cases people will not recognize that they did
- 21 it, even when confronted with it.
- 22 Q. (BY MR. NOTZON) Right. So they'll either
- 23 deny it because they don't recognize it as being bias or
- 24 they'll deny it because they don't want to be held
- 25 accountable for it or they'll deny it because they don't

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- 1 pronouns in your question so I can make sure I'm
- 2 answering the right thing?
- 3 Q. (BY MR. NOTZON) Sure. So you would agree
- 4 that when somebody engages in gender-based bias, that
- 5 they would know that that is not appropriate?
- 6 MS. HILTON: Objection, form.
- 7 A. Most of the time -- I don't even know if it's
- 8 most of the time. It is possible that when someone
- 9 engages in gender bias, they know it's inappropriate.
- 10 Q. (BY MR. NOTZON) If not before they do it,
- 11 after they do it?
- 12 MS. HILTON: Objection, form.
- 13 A. In my experience, personal experiences, people
- 14 will engage in bias and not realize that it's wrong,
- 15 even when confronted with an accusation of -- even when
- 16 confronted with an accusation of participating in bias
- 17 and acknowledging that they did it, they don't
- 18 acknowledge that it's wrong.
- 19 Q. (BY MR. NOTZON) Okay. And that's some
- 20 percentage of the time, but you --
- 21 A. It has happened. It's a non-zero percentage.
- 22 Q. Yeah, but you wouldn't say it's the majority
- 23 of the time?
- 24 A. It's not the majority of the time. Most
- 25 people realize that treating people different because of

- 1 want to admit it?
  - 2 MS. HILTON: Objection, form.
  - 3 Q. (BY MR. NOTZON) Those are possibilities,
  - 4 right?

- MS. HILTON: Same objection.
- 6 A. If a person is confronted and accused of being
- 7 biased, they can say lots of things; and all of -- they
- 8 could say: Yes, I was. Thank you. They could say:
- 9 No, I wasn't. They could say: No, I wasn't but know
- 10 that they were. So, yes, these are possibilities.
- 11 Q. (BY MR. NOTZON) And in that denial, they
- 12 could provide a false explanation to justify their
- 13 denial?
- 14 MS. HILTON: Objection, form.
- 15 A. Yes, they could.
- 16 Q (BY MR. NOTZON) And if you could prove that
- 17 they knew that the justification they gave was false,
- 18 because they also have the true answer, would that be
- 19 some indication that bias was at play?
- A. No, you'd have to prove that they were biased
- 21 in the first place, I think, in order to make an
- 22 accusation that they were covering.
- 23 Q. They know the true answer when they gave the
- 24 false answer. That would not be --
- 25 A. Sorry.

1 MS. HILTON: Objection, form.

- 2 A. Ask it, again, please. I'm sorry.
- 3 Q (BY MR. NOTZON) I was trying to provide you
- 4 with that evidence that you said that you have to prove
- 5 that they knew that they were engaged in bias before
- 6 they did it. And I said the evidence is in the
- 7 knowledge of the truthful reason why they took the
- 8 action and the knowledge that the false answer they gave
- 9 was false at the time they gave it.
- 10 A. They would need to --
- 11 MS. HILTON: Objection, form.
- 12 THE WITNESS: Sorry.
- 13 MS. HILTON: Go ahead, Dr. Julien.
- 14 A. They would need to know that the explanation
- 15 they were giving is false. They might not know that the
- 16 explanation that they're giving is false.
- 17 Q (BY MR. NOTZON) Right. I said -- I mandated
- 18 in the hypothetical that they know it's false because
- 19 they know the true answer.
- 20 MS. HILTON: Objection, form.
- 21 A. I mean, we've wandered into a very special
- 22 case that's different from bias influencing decisions.
- 23 So I think we may have wandered away. I'm not exactly
- 24 sure what track we're on, like, what the whole setup for
- 25 this is. So I can't answer this hypothetical --

- 1 to look into it because bias might be at play, not was
  - 2 at play, not to conclude, but to look into it?
  - 3 A. So we use statistics all the time to ask these
  - 4 questions of our various processes, and those statistics

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- 5 can give us an indication as to whether or not bias is
- 6 at play
- 7 Q. Okay. And you use that in your role as
- 8 Associate Dean?
- 9 A. Yes.
- 10 Q. And what statistics have you looked at to
- 11 determine -- specifically related to gender bias since
- 12 you've had the role?
- 13 A. Yes. So top of mind is faculty recruiting.
- 14 So we'll look at -- for faculty recruiting, we will look
- 15 at the statistics related to the applicant pool; and we
- 16 will -- we try not to ever look at a single year,
- 17 because, just like the examples with Course Instructor
- 18 Surveys, looking at a single person can be misleading.
- 19 So we look over multiple years. We try to look across
- 20 departments so that we get kind of as broad a view as we
- 21 can. We look at applicant pools.
- We look at what we call "short lists" in
  - 3 our Faculty Recruiting Committee. So we take the broad
- 24 applicant pool, and we try to carve out kind of a set of
- 25 candidates that we're particularly interested in. So

- Q. Okay.
- 2 A. -- without a clear background.
- Q. Or a clearer example.
- 4 Would statics help you understand that
- 5 bias is at play?

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- 6 A. Statics about what?
- Q. So if there are, you know, fifty men hired for
- 8 a position and only one woman, might bias be something
- 9 that you might want to look into?
- 10 A. So you're asking specifically about bias in
- 11 the faculty recruiting process?
- 12 Q. No, this is just in general. If a hundred men
- 13 are hired for a position or fifty men are hired for a
- 14 position and one woman is hired for that position, would
- 15 you want -- or would that indicate to you that bias
- 16 might be at play?
- 17 A. There's not enough information in that
- 18 statistic. You don't know what the applicant pool
- 19 looked like. I mean, statistics can help to answer that
- 20 kind of abstract question. Statistics can be useful in
- 21 teasing out whether bias is at play, but you have to
- 22 make sure you have the right statistics and that they're
- 23 capturing what you need to capture in order to evaluate
- 24 the bias.
- 25 Q. My question is: Would that cause you to want

- 1 we'll look at the statics. And when I say "statistics,"
  - 2 I'm talking about demographics.
  - And so specific to your question, we
  - 4 might be looking at men and women or people who identify
  - 5 as women and people who identify as men, to be specific
  - 6 and completely clear, in the applicant pool in that
  - 7 short list of candidates.
  - 8 Then, we'll look at the candidates that
  - 9 we decide to bring on campus. We will look at
  - 10 specifically the candidates we decide to make offers
  - 11 to -- that's what I look at -- which is slightly
  - 12 different than the candidates we make offers to for a
  - 13 variety of reasons. So the candidates we decide to make
  - 14 offers to. And then candidates who decide to accept our
  - 15 offers.

- 16 So we'll look at all of those because all
- 17 of those are dates that have different implications for
- 18 how bias can play in, right? And we'll kind of look at
- 19 how are we doing at each level and how do the
- 20. damagan bira af arab manus araban ta tha ana
- 20 demographics of each group compare to the group before.
- 21 And that's one way we can look at, not does bias play
- 22 in, because, again, I can go back to we are all biased,
- 23 so we all bring biases to our jobs; but are we
- 24 successfully mitigating those biases throughout that
- 25 process.

Q. And just to be clear, going back to the

- 2 student evaluation scores, the course evaluation scores,
- 3 CIS, you weren't trying to equate wearing boots or an
- 4 article of clothing with pregnancy as being a potential
- 5 impact on scores, were you?
- A. I was not trying to equate those, although the
- comment about my boots was definitely sexual in nature.
- So it was a gender-based comment, but it was not a
- 9 pregnancy-based comment.
- 10 Q. Okay. So an article of clothing, you broaden
- 11 to sex being a factor?
- 12 A. I didn't broaden it; the student did, who made
- 13 the comment, but yes.
- 14 Q. So that was just a one-time event?
- 15 A. It's the one that sticks in my mind. I
- 16 believe I've had other comments on my Course Instructor
- Surveys, although, it would have been -- none of them
- 18 are super clear in my mind. So I think they have
- 19 tapered out, perhaps since I've gotten older. I've
- 20 received similar comments from students who I --
- comments on Course Instructor Surveys that I would have

1 issue with you was this pregnancy on the CIS numbers for

2 you. What was the next time you recall Dr. Nikolova

A. I don't recall any concrete instances. I

put a time on was the e-mail she sent to the entire

explicitly mentioned or at least explicitly suggested, I

Q. Is that the e-mail where she, in short, said

Q. All right. I think it starts off "elephant in

Q. Did Dr. Nikolova know that you were pregnant

guess, is the way to put that. Those are the times I

5 know -- like I said, the next one that I definitely can

faculty after her tenure decision, where it was

12 that: This is my experience, and I'm putting it out

- 22 deemed inappropriate, but I don't remember concretely
- 23 any other examples.

3 raising gender with you?

- Q. Okay. Let's go back to Dr. Nikolova. You 24
- 25 said the first time that you recalled her raising an

- 1 math is math, so I think it's probably a thing that she
  - 2 knew.

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3 Q. Okay. Did she consult with you as at least an 76

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- 4 informal mentor?
- 5 A. I think that, yes, it would be likely that we
- would have discussed kind of how to navigate being
- 7 pregnant in the department.
- Q. Okay. You just don't recall?
- A. I don't recall specific discussions about it;
- 10 but this is something I've done, you know, for junior
- female faculty that have joined.
- Q. So other junior female faculty have been
- 13 pregnant during their probationary periods as well?
- 14 A. Yes.
- 15 Q. Okay. And I think some of those are reflected
- in the Modified Instructional Duty data. Do you know
- any that didn't take Modified Instructional Duty?
- A. I don't have any idea. I would be surprised
- to find out that any didn't avail themselves of it; but
- that's everybody's choice, so.
- 21 Q. Do you recall Dr. Nikolova ever complaining
- about how she was being treated because of her pregnancy
- or having given birth, you know, having a newborn or
- 24 breast feeding or pumping or anything like that?
- 25 A. I don't recall any of those specifically with

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- 1 Eddie. I don't remember having those discussions with
  - 2 Eddie. I've had those discussions with colleagues
  - 3 before. I don't remember details about who I was having
  - 4 those conversations with.
  - 5 Q. If you did, you're just not recalling them
  - 6 now?
  - 7 A. That's right. Discussing pregnancy, standing
  - 8 an hour and a half while grossly pregnant, pumping in
  - your office are conversations that, you know, female
  - faculty will have. 10
  - 11 Q. Okay. And you don't remember Dr. Nikolova
  - 12 specifically making any comment about Chair Tewfik
  - treating her differently or mistreating her or not
  - recognizing her condition of being pregnant or caring
  - for a newborn or anything like that? That doesn't ring
  - a bell for you?
  - 17 A. I don't remember any of those conversations
  - 18 about disparate treatment relating to pregnancy or
  - 19 gender.
  - 20 Q. Did you ever have conversations with
  - 21 Chair Tewfik about Dr. Nikolova's issues related to her
  - complaints of gender or pregnancy?
  - 23 A. I don't believe I have -- oh, sorry.
  - 24 MS. HILTON: Objection, form.
  - 25 A. I don't believe that I have.

A. I don't know.

during your probationary period?

there publicly to try to help?

A. That's right.

A. Yes, that's that e-mail.

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recall.

16 the room"?

Q. (BY MR. NOTZON) You didn't have discussions 22

MS. HILTON: Objection, form.

- 23 about that with her?
- 24 A. I don't think we ever discussed it explicitly.
- but we were friend and she had met my daughter. And

1 Q. (BY MR. NOTZON) Okay. Have you had any

- 2 conversations with Dean Wood about Dr. Nikolova's
- 3 complaints of gender bias or pregnancy bias?
- 5 complaints of gender bias of pregnam
- 4 A. I don't believe that I have.
- 5 Q. And that would be before or after your
- 6 position as the Assistant Associate Dean?
- 7 A. Yes, I don't recall having had any
- 8 conversation with Dr. Wood about Dr. -- or
- 9 Dr. Nikolova's pregnancy or potential gender bias.
- 10 Q. After Dr. Nikolova sent that elephant-in-the-
- 11 room e-mail, did you take any action to respond to that
- 12 e-mail, to her?
- 13 A. I don't think that I did.
- 14 Q. Did you have any conversations with any other
- 15 faculty members in ECE about that e-mail?
- 16 A. Yes.
- 17 Q. Were these e-mail or verbal conversations?
- 18 A. Both.
- 19 Q. Okay. And were you -- what was your -- I
- 20 guess, if you could, just describe those conversations
- 21 with us.
- 22 A. So with the verbal conversations with other
- 23 colleagues in the department, or what are you asking me
- 24 to describe?
- 25 Q. Sure. We'll start with verbal or start with

- 1 you know, I reached out to them. I don't remember if I
  - 2 reached out to them by e-mail or in person; but we
  - 3 didn't have a substantive conversation over e-mail, I
  - 4 don't think. I think the substantive conversation was
  - 5 in person.
  - 6 We had a morning meeting in the cafe, in
  - 7 a public space, if that matters. We broached the topic
  - 8 of the e-mail that we had all received. I asked how
  - 9 they were feeling. I asked how they were doing.
  - 10 One of these colleagues is in a very
  - 11 similar position to Eddie, having come to UT from
  - 12 another serving -- I was going to say "serving some
  - 13 time" -- spending some years at another institution.
  - 14 And so just kind of making sure she felt comfortable and
  - 15 kind of understood what the processes were and what the
  - 16 implications were for her, I think that was the
  - 17 conversation.
  - 18 Q. Okay. And what was -- can you summarize your
  - 19 advice to her?
  - 20 A. I mean, every tenure case is an individual
  - 21 case. I suggested that she should -- she's not in my
  - 22 area. None of these three faculty are in my area,
  - 23 Eddie, Hao, or Jean Anne. So it's hard for me to
  - 24 provide kind of concrete: Is your research good? Is
  - 25 your research -- I don't know. But, you know, kind of

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- 1 e-mail, whichever you choose.
- 2 A. Okav. Yeah. So I reached out to some of the
- 3 junior faculty, specifically some of the female junior
- 4 faculty, we had, you know, copied just to kind of catch
- 5 up. I wanted to -- I was very concerned about them,
- 6 very concerned about how they would react to that
- 7 e-mail. They're in an extremely vulnerable place, and
- 8 so we had coffee and kind of chatted about what they
- 9 felt like.
- 10 So those specific faculty that I talked
- 11 to, the one conversation that sticks in my mind was with
- 12 Hao Zhu and Jean Anne Incorvia. So we just discussed
- 13 kind of how they felt about it, what their concerns
- 14 were, and I just tried to provide mentoring for them,
- 15 so.
- 16 Q. Yeah. I mean, that's the whole point of that
- 17 e-mail, right, is that assistant professors were in a
- 18 very vulnerable position, Exhibit A, Dr. Nikolova?
- 19 A. Yeah.
- 20 MS. HILTON: Objection, form.
- 21 Q (BY MR. NOTZON) And so you were just making
- 22 yourself available to them, saying, you know, "I'm here
- 23 to answer any questions; and if you have any, need any
- 24 support, let me know," kind of thing?
- 25 A. That's what it was. I mean, we had a -- so,

- 1 making sure you're getting good mentoring from within
  - 2 your area, doing the right level of service, you're
  - 3 teaching the right classes and showing a trajectory in
  - 4 those classes that's important.
    - And then, the most important thing, to
  - 6 me, is getting advice from your mentor, from the
  - 7 Department Chair, from the Dean and understanding and
  - 8 heeding the advice. So making sure, you know, you
  - 9 understand what the expectations are for promotion at
  - 10 whatever timeline you intend to pursue it.
  - 11 Q. And that's really hard advice to give, right,
  - 12 because there is no known goalpost that you can point
  - 13 to?

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- 14 MS. HILTON: Objection, form.
  - A. What goalpost are you speaking of? I'm sorry.
- 16 Q (BY MR. NOTZON) You know, if you're going to
- 17 prepare your promotional package to get tenure, to put
- 18 the package through the goalpost, as it were, to score;
- 19 but you don't know where that goalpost is. You don't
- 20 know where the bar is. You don't know what's high21 enough to clear. You don't know these things, right?
- 22 MS. HILTON: Objection, form.
- 23 A. So you know what's expected for tenure. It's
- 24 not like it's a quantitative set of metrics and you can
- 25 achieve them and then wash your hands and be done. I

82 84 1 don't think that's true at any institution. 1 sent that to me, only. 2 I think that we have a good understanding 2 MR. NOTZON: Oh. I've got to pay of what the bar is for tenure; and we try to assign 3 attention. 4 mentors for faculty members, I think, that have a good 4 Okay. I think it's there now. understanding of what that bar is and can help, in a 5 THE WITNESS: It is. It's downloading. very individual case, get somebody to understand what it 6 MS. HILTON: Robert, just while we're at 7 means to meet that bar. a pause, what time are you thinking we would be breaking 8 for lunch so people can start their orders? I think that, you know, there's also the 9 MR. NOTZON: So let's see. 9 height of the goalpost, if you will, so how high the bar 10 is, which is also different depending on the timeline. Professor Julien, are you okay right now? Can you go And so I think that, you know, we communicate to people for another 30 minutes or so? 12 that we hire when we hire them that, you know, we have 12 THE WITNESS: Maybe more like 15, 20. one tenure clock for everybody and anything else is 13 MR. NOTZON: Okay. Yeah. Then if that's 13 14 considered an early promotion and the bars are okay with you, then we can break at that time? 15 different, so. 15 THE WITNESS: It's okay with me. 16 Q. Right. But if you go up early, like somebody 16 MR. NOTZON: Okay. else went up early, then, you should be able to rely on 17 MS. HILTON: Okay. Thanks. 17 18 that har? 18 Q (BY MR. NOTZON) Let me know when you're ready 19 MS. HILTON: Objection, form. 19 to take questions on it. 20 A. I was just skimming it to refresh my memory, A. I'm sorry. What are you asking? 20 Q. (BY MR. NOTZON) So if there are other 21 so. 21 22 examples of accelerated promotion and they cleared the 22 Q. Sure. 23 bar that they cleared, is that an indication of where 23 A. Okay. the bar is at the higher level? 24 24 Q. All right. And you say you co-wrote it. 25 A. Yeah, I mean, that's exactly how we provide 25 Could you explain to us what portion -- or what your 83 85 1 the advice that we provide is based on kind of what our 1 contribution was to the project and the document 2 expectations are for that early promotion. Of course, 2 production? every case is different because everybody's research A. I don't remember. area is slightly different. Everybody's teaching Q. Okay. Do you remember if you wrote the first slightly different classes -- dramatically different 6 classes, in some cases. 6 A. I think I probably wrote the first draft. I 7 So you can't -- again, you can't just use 7 can't be absolutely certain, but it's likely that I numbers from a previous case. If we could, we would wrote the first draft. just provide those numbers to everybody, right? We Q. Okay. And why do you think it's likely you don't have them. So each case has to be individual. did it instead of -- who was the other person? 10 10 11 Q. And you played a role with Dr. Nikolova's 11 A. John Valvano. 12 assessment from the Budget Committee; is that right? Q. Uh-huh. 12 13 You wrote the teaching assessment? A. To be honest, I recognize myself in the A. I co-wrote the teaching assessment that was 14 language. So it looks like something I would have 14 15 written by two of us. written the first draft of, the organization of, and 16 Q. Okay. Let me -- we're going to make an 16 whatnot. exhibit of that document, and it's going to be in your 17 17 Q. Okay. And at the time, were you in support of 18 chat. 18 Dr. Nikolova's promotion to tenure? A. I was on the fence when I wrote this. 19 A. Oh, okay. 20 Q. So you're going to have to download it to get 20 Q. Why is that? 21 it as soon as I put it up. A. I knew that it was an early promotion. I knew 22 MR. NOTZON: Okay. And this will be 22 that we had a higher bar for early promotion; and it 23 Exhibit 12. 23 wasn't clear to me from what we had reviewed so far in 24 (Exhibit 12 marked.) 24 the Budget Council whether the portfolio met that bar. 25 especially -- I mean, yeah. 25 MR. SCHMIDT: Robert, I think you just

1 Q. Okay. And what about specifically related to

2 her teaching?

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3 A. I thought her teaching -- and I think that's

4 what this review says -- was good. Her teaching is

5 good. It's definitely not an off-the-charts, early-

6 promotion teaching portfolio.

Q. Would you say she's at or above expectations?

A. Yeah. One clue, to me, in that from what we

9 wrote is at the end we say, "Her teaching record clearly

10 exceeds the expectation for an Assistant Professor in

11 the Department of Electrical and Computer Engineering."

12 We often will write something very specific there about

13 "exceeds expectations for promotion," which we didn't,

14 we chose not to write here, as an example.

15 Q. Okay. And in the summary, you say that,

16 "Dr. Nikolova takes her teaching obligations very

17 seriously and has strived to improve her teaching

18 effectiveness while still addressing the needs of the

19 ECE department and its students," correct?

20 A. That's what it says, yes.

21 Q. And I think you also comment you have personal

22 experience with Dr. Nikolova's teaching from the fact

23 that you guys taught the same course and she, I think,

24 used some of your curriculum and made changes and you've

25 used some of her ideas, as well, in your teaching.

1 violated any teaching policies.

2 Q. If you were to have seen something in the

3 report that she prepared, her assessment, her teaching

4 report, would you have called it out in this report?

5 A. If I had seen something in her -- I'm just

6 trying to understand your question. If I had seen -- so

7 the input to this teaching statement was her -- well,

8 yeah, was her own teaching statement; and if I had seen

9 something that violated policy in her teaching

10 statement, would I have called it out? I can't

11 conjecture about what I was doing when I wrote this, so

12 I don't -- I don't know the answer to your question.

Q. So just in general, you don't see it as your

14 duty to the department and the college and the

15 university to identify some faculty members not

16 performing like they should, according to the rules and

17 regulations of the university?

18 MS. HILTON: Objection, form.

19 A. If I read a teaching statement by a faculty

20 member and I see that they are saying something that I

21 think is against rules at the university, I would --

22 yes, I think I would bring it up with the Department

23 Chair or the person, to address.

Q. (BY MR. NOTZON) So when you say "the person,"

25 that would be Dr. Nikolova in this instance, correct?

1 Would that be accurate?

2 A. Yes.

3 Q. And I think you're actually an award-winning

4 teacher; is that right?

5 A. Yes, I've won awards for my teaching.

Q. And Dr. Nikolova has consulted with you about

7 your take on teaching. That would be a reasonable thing

3 to do, to go to an award-winning faculty associate,

9 correct?

10 MS. HILTON: Objection, form.

11 A. I wouldn't say that she's consulted with me on

12 teaching. I would say that we teach a class and there's

13 a team of us that teaches this class and we teach this

14 class collaboratively. I don't recall having

15 consultative sessions about how I approach it or how she

16 approaches it.

17 Q (BY MR. NOTZON) Did you see anything in her

18 teaching -- well, in this report, do you see anything in

19 here that calls into question her performance as a

20 teacher as being a violation of policy?

21 A. Are you asking if I see anything in this

22 report that indicates she has violated policy with

23 respect to her teaching?

24 Q. Yes.

25 A. I don't see anything that says that she has

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Q. And would you bring it up to her like, "Hey,

3 what did you mean here or are you actually doing this or

4 what's going on," that kind of thing?

A. Yes.

5 A. If I saw a violation of university policy in

6 her teaching statement? Yes, I would bring it up with

7 her and probably the Department Chair if I saw something

8 that I interpreted as a violation of the policy.

9 Q. Right. What if you just saw something that

10 doesn't look right, that it would be a negative mark on

11 her teaching if she was actually doing this, in your

12 opinion?

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13 A. Then I would not feel the same obligation to

14 bring it up. This is a summary. It doesn't capture all

15 of the positives or all of the negatives.

16 Q. Okay. But it does cover both?

A. The goal here is to cover both, you know,

18 positive aspects of teaching and negative aspects of

19 teaching for the purpose of determining whether to

20 promote somebody or not.

21 Q. Okay.

22 MR. NOTZON: Let me go ahead and put up

23 another exhibit, Exhibit 13.

(Exhibit 13 marked.)

Q (BY MR. NOTZON) That's Dr. Nikolova's

1 teaching statement.

- 2 A. Okay. It's downloading.
- 3 All right. Do you want me to read this
- 4 again?
- 5 Q. That's the statement you were saying that you
- 6 relied on?
- 7 A. If this is the statement that was included in
- 8 her promotion dossier, then that's the statement we
- 9 relied on. Obviously, I didn't commit it to memory at
- 10 the time
- 11 Q. Okay. I'm going to put up Exhibit 2 from
- 12 yesterday's deposition, as well, which is Dean Wood's
- 13 evaluation of Dr. Nikolova.
- 14 A. Okay.
- 15 Q. And I'm putting up Dr. Nikolova's assessment
- 16 because that's what yours was based on, but I'm really
- 17 going to question you about Exhibit 2.
- 18 A. Okay.
- 19 Q. But it's there for you in case you need it.
  - I guess, Professor Julien, since you've
- 21 looked at Dr. Nikolova's assessment -- teaching
- 22 statement --

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- 23 A. Uh-huh.
- 24 Q. -- is there anything in her teaching statement
- 25 that you would see as improper conduct or some violation

- 1 (Laughter.)
- 2 A. Well, I mean, comments from the Student
- 3 Evaluations Section does talk about -- there's no way to
- 4 sugarcoat it -- it's blaming the TAs for the students'
- 5 evaluations of the course. I don't think it's improper.
- 6 I think that it's misplacing the responsibility for the
- 7 course, which I would say is a little bit different than
- 8 blame, so.
- 9 Q. Okay. That part of it, where you think she's
- 10 not taking responsibility, would you say that she places
- 11 the entire blame on the TAs for any of her --
- A. So the sentence I'm reading from the document
- 13 is, "I believe that was the key factor for lowering my
- 14 instructor and course evaluations." And what she's
- 15 referring to there is the fact that the appointed TAs
- 16 had even worse performance than expected, as couched by
- 17 the -- or as implicated by the limited candidate pool.
- 18 So I think that, in her own words, she's placing at
- 19 least the most important factor on the TAs, the key
- 20 factor.
- 21 Q. And what about the assignment -- creation and
- 22 grading of the assignments, is that a violation of your
- 23 duty as a faculty member?
- A. I'm sorry. What do you mean, the creation?
- 25 Q. That parenthetical in that sentence -- or in

1 of university teaching protocol?

- 2 A. I mean, I haven't read it in detail a second
- 3 time. It's long.
- 4 MS. HILTON: May I suggest we maybe take
- 5 a break and Dr. Julien can read these documents and we
- 6 can also break for lunch at the same time?
- 7 MR. NOTZON: We can do that.
  - THE WITNESS: Okay. That would be
- 9 helpful for me.

8

- 10 MR. NOTZON: Okay.
- 11 THE REPORTER: We're going off the record
- 12 at 12:20 p.m.
- 13 (Off the record from 12:20 to 1:20 p.m.)
- 14 THE REPORTER: We're back on the record
- 15 at 1:20 p.m.
- 16 Q (BY MR. NOTZON) All right. We're back from
- 17 lunch. Professor Julien, did you get a chance to look
- 18 at those documents, Dr. Nikolova's teaching statement
- 19 and the Dean's evaluation?
- 20 A. Yes.
- 21 Q. Okay. So starting with Dr. Nikolova's
- 22 teaching statement, did you find anything in there that
- 23 would be improper behavior of a faculty member at ECE?
- A. Well, having read both of them, I mean...
- 25 Q. Don't cheat.

1 that paragraph.

91

- 2 A. Oh, the TAs' responsibilities are "creating
- 3 and grading homework and programming assignments"?
- 4 Q. Yes.
- 5 A. That, to me, is a statement of an expectation
- 6 of the TAs.
- 7 Q. Okay. And there's nothing wrong with doing
- 8 that?
- 9 A. There's nothing wrong with asking the TAs to
- 10 help create and grade homework and programming
- 11 assignments.
- 12 Q. Okay. And, in fact, wouldn't it be true that
- 13 you do that in your own courses?
- 14 A. I do, yes.
- 15 Q. And I don't know if you recall or not, but you
- 16 had told Dr. Nikolova that that's the way you do it
- 17 before she taught the class?
  - 8 A. I don't recall if I told her that; but this is
- 19 the way I have done it, is that I ask the TAs to suggest
- 20 first drafts for the assignments and then finalize them
- 21 before they're distributed.
- 22 Q. Okay. And you do that for that particular
- 23 course?
- 24 A. Yes.
- 25 Q. Okay. And so if Dr. Nikolova testified that

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1 you told her that, and that's why she does it, you

2 wouldn't be surprised if that had happened?

MS. HILTON: Objection, form.

4 A. We talked about the class before and my

5 mechanisms for teaching it. We even, you know, have TAs

that would be TAs for my class one semester and then her

7 class the next semester and vice versa. So it would be

easy to see how that knowledge would be shared across as

instructors. 9

3

Q. (BY MR. NOTZON) And now, moving on to 10

11 Exhibit 2, Dean Wood's evaluation of Dr. Nikolova,

12 viewing Dr. Nikolova's statement, your participation in

the BC Teaching Assessment, would you say that 13

Dean Wood's evaluation on teaching, which occurs on the 14

15 second and third page of Exhibit 2 --

A. Uh-huh. 16

17 Q. -- that that is a fair summary of that

18 information?

19 A. Yes

Q. Even though it mentions nothing about any of 20

21 the positive comments?

A. Okay. I'm sorry. So you're asking: Is it a 22

23 fair summary of what information, of the information in

24 the teaching statement?

25 Q. The question I asked was based upon your 1 A. Looking at the numeric values of the course

instructor ratings, there is a downward trend over the

time that she taught this course. You're talking about

the undergraduate course?

5 Q. Right.

A. Yes.

6

7 Q. So you think ending at 3.9 is a downward

8 trend, that showed a downward trend?

9 A. So the 3.9 is really a semester -- two

sections of the same class taught in the same semester.

So you kind of have to look at that as -- I would look

12 at it as an average, kind of 3.8, right? In any case, I

think that overall, it's a somewhat downward trend. Is 13

14 it a significant downward trend? I mean, I don't know.

15 The numbers are lower.

16 Q. Okay. And you don't see any indication of a

17 justification or explanation for the context of those,

18 do you?

95

19 A. I don't see an explanation or justification

20 for the context of that where?

21 Q. In Dean Wood's statement.

22 A. I see that Dean Wood is quoting and then

extrapolating from Eddie's statement that she is laying

the "key factor," so laying the blame on the TAs. I

don't know if that's what you're asking or not.

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1 document and Dr. Nikolova's document.

2 A. Is the teaching a fair summary?

Q. Yes, in Dr. Wood's document. 3

A. I mean, it's three paragraphs from a seven-

5 page document, which was summarized into a three-page --

I think it was a three-page document into three

paragraphs -- four-page document into three paragraphs.

So there's definitely information lost, right? This is

not a -- so, I mean, I believe she has summarized; and I

10 think she has focused on both positives and negatives in

11 her review.

12

Q. What positives?

13 A. In the first paragraph Dean Wood talks about

the positive -- especially the first several semesters, 14

the positive course instructor ratings and her ability 15

to engage students in the classroom. Those are, to me, 16

17 positives.

18 Q. You don't see that as a setup for a downward-

19 trend comment?

20 A. I see it as a statement of the facts of what

her instructor ratings were for the first three 21

22 semesters -- three -- yeah, first three semesters.

Q. Do you agree that there was a downward trend 23

24 based upon the teaching scores for those four classes in

three semesters?

Q. No. And you see how she said that, "Of

particular note. Dr. Nikolova indicated that the

teaching assistants are responsible for creating and

grading" and that she says that that is a contradiction

of the Cockrell School's philosophy of teaching?

A. Yeah. I think that what's at play here is a

little bit of the use of the word "responsible." So I would say that in my class, I am responsible for all

creation and grading of assignments. So the TAs help do

that by making usually the first draft of them and we 10

11 get feedback and we edit over that, but I'm responsible

for them. I mean, when assignments go out, I take 12

13 responsibility for them.

14 And I think that at play there is the use

15 of -- in Eddie's statement, she mentions that it's the

TAs' responsibilities, which just really goes to job

duties. And so I think there may be a different use of

the word of "responsible" and "responsibility" here, but

19 I think that's what's at issue.

20 Q. Is it a fair reading of Dr. Nikolova's

statement that she is not taking responsibility for the

course as a whole, based upon the language she uses and

what you understand how Dr. Nikolova modeled her

teaching on the course after your specific reference to

having the TAs' duties include creating the assignments

9

18

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1 and grading them?

- 2 MS. HILTON: Objection, form.
- 3 A. So, yeah, I don't know what you mean by "a
- 4 fair statement." What I will say is that I believe that
- 5 in Dr. Nikolova's teaching statement, she is not taking
- 6 responsibility for the negative comments from the
- 7 students and is placing, instead, the responsibility for
- 8 those negative comments on her TAs.
- 9 Q. (BY MR. NOTZON) And you didn't include that
- 10 in your assessment, correct?
- 11 A. I didn't -- we didn't.
- 12 Q. And why not?
- 13 A. I don't know. I don't. I don't recall
- 14 intentionally omitting it.
- 15 Q. I mean, you take your responsibility for
- 16 providing those assessments seriously, don't you?
- 17 A. Yes.

18

- Q. And you -- as you've already testified, your
- 19 duty that you complied with was to look at the positives
- 20 and negatives that Dr. Nikolova presents in her teaching
- 21 and present them in your assessment, correct?
- 22 A. That's correct. Her teaching statement was an
- 23 input into our evaluative process. My experience in the
- 24 class was another input, naturally.
- 25 Q. And did you also look at the CIS scores and

- the same pitfalls that we discussed earlier.
  - 2 Q. But it's a contextual factor that should be
  - 3 accounted for because it's a known factor, correct?
  - 4 MS. HILTON: Objection, form.
  - 5 A. I'm not sure what you're asking. Sorry.
    - Q (BY MR. NOTZON) It's not -- I mean, it is
  - 7 typical for teaching scores to be compared to other
  - 8 teaching scores, correct?
    - A. That's correct. We especially compare within
  - 10 the same class. We compare longitudinally across the
  - 11 same instructor. We compare across the same category of
  - 12 staff, so assistant professors, associate professors,
  - 13 full professors, teaching faculty. We also compare
  - 14 along levels of class, whether it's required,
  - 15 undergraduate, mezzanine, or elective; and we'll compare
  - 16 size as an additional factor.
  - 17 Q. And over the years?
    - A. And across years, yes.
  - 19 Q. And, in fact, Dr. Nikolova, if you compared
  - 20 her scores on this class over a period of years for
  - 21 everyone that has taught it, that she's in the top two
  - 22 or three people that have ever taught it of the over ten
  - 23 that have taught?
  - 24 MS. HILTON: Objection, form.
  - 25 A. I don't know. I'd have to review the course

- 1 the comments?
- 2 A. Yes. of course.
- 3 Q. And you saw that the great majority were
- 4 positive comments?
- 5 A. Yes, they are.
- 6 Q. You comment how she was innovative and how she
- 7 stepped up to redesign curriculum and, actually, teach
- 8 these courses; and she had large attendance in these
- 9 courses, which is also a factor in her performance as
- 10 well, correct?
- 11 MS. HILTON: Objection to form.
- 12 A. I don't think those are things that I said. I
- 13 don't think that I mentioned that she had large
- 14 attendance in the class. In fact, I don't know what the
- 15 attendance was in the class. That's different from
- 16 registration in the class, which these are large
- 17 classes.
- 18 Q (BY MR. NOTZON) I apologize for using
- 19 "attendance" instead of "registration." The number of
- 20 students registered in the class is a factor, correct?
- 21 A. A factor in what?
- 22 Q. In the score.
- 23 A. There are statistics that show that larger
- 24 classes tend to have lower course instructor ratings.
- 25 Applying that to a specific instance, again, are all of

- 1 instructor scores for all of the instructors.
  - 2 Q. (BY MR. NOTZON) Do you recall Dr. Nikolova
  - 3 approaching you in 2018 to help her prepare her teaching
  - 4 assessment -- I mean, her teaching statement?
  - A. I don't. I don't recall one way or the other.
  - 6 Q. Okay. If Dr. Nikolova testified that she did
  - 7 ask you to help her with her teaching statement and you
  - 8 didn't, did you make a conscious decision not to help
  - 9 her?
  - 10 A. Are you asking about her teaching statement
  - 11 for her promotion dossier?
  - 12 Q. Yes.
  - 13 A. Okay. I don't remember making a conscious
  - 14 decision not to help. If one of my colleagues asks me
  - 15 for help, I try to help whenever I can. If I don't
  - 16 help, it's usually an indication that I was too busy to
  - 17 do that.
  - 18 Q. You would let her know, though?
  - 19 A. I don't know.
  - 20 (Simultaneous speakers.)
  - 21 A. I'm sorry?
  - 22 Q. You were friends?
  - 23 A. We were friends, yes.
  - Q. And as a friend, you would let your friend
  - 25 know if they ask you for something if you can or can't

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1 do it, wouldn't you?

- 2 A. I can't say what circumstances would have been
- 3 around some hypothetical situation.
- 4 Q. Could you think of a reason why, if she asked
- 5 you for help with her promotion, that if you were too
- 6 busy, you wouldn't have told her so?
- A. If I was too busy to follow up and tell her
- 8 so, that would have been a reason why. It would not
- 9 have been out of malice or mal-intent. It would have
- 10 been forgetfulness or an e-mail getting buried in an
- 11 inbox.
- 12 Q. Yet, you used the word "friend"?
- 13 A. Yes.
- 14 Q. Do you take your friendships seriously?
- 15 A. I do.
- 16 Q. Other than the birth of her child, would this
- 17 be one of the larger experiences of her life, going up
- 18 for tenure?
- 19 MS. HILTON: Objection, form.
- 20 A. I can't say what are large experiences in her
- 21 life.
- 22 Q (BY MR. NOTZON) What about for you? Was it a
- 23 very important part of your life?
- 24 A. I'm sorry. What's a very important part of my
- 25 life?

1

1 Q. Why not if you also viewed her as a vulnerable

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- 2 member of the faculty and a friend?
- 3 A. Yes, I viewed her as a friend. I was super
- 4 sad, and I didn't know how to respond to her. I didn't
- 5 know what to say, and so I didn't say anything.
  - Q. You didn't say anything verbally. You didn't
- 7 say anything in an e-mail, and you didn't even
- 8 personally approach her?
  - I don't recall doing any of those.
- 10 Q. As a friend, is not knowing what to say a good
- 11 enough excuse not to approach the person at all?
- 12 MS. HILTON: Objection, form.
- 13 A. In this case I believe that I didn't approach
- 14 her.

18

22

9

- 15 Q (BY MR. NOTZON) Right. That's a good enough
- 16 excuse, just because you didn't know what to say?
- 17 MS. HILTON: Objection, form.
  - A. I don't have an answer to that. I don't.
- 19 Q (BY MR. NOTZON) Other than, "I didn't know
- 20 what to say," do you have any other reason why you
- 21 didn't approach Dr. Nikolova at all?
  - A. Not that I recall.
- 23 Q. When was the last time you talked to her about
- 24 her not getting tenure?
- 25 A. She reached out to me, I believe, after the

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- Q. Obtaining tenure.
- 2 A. It's been impactful in my life. I honestly
- 3 don't recall putting together my tenure and promotion
- 4 package and the process of getting tenure as one of the
- 5 pivotal moments of my life. It was not as important to
- 6 me, for instance, as graduating with my doctoral degree
- 7 or even my undergraduate degree.
- 8 Q. Remember you said you talked to those two
- 9 junior female faculty after the elephant-in-the-room
- 10 e-mail came out because they were vulnerable?
- 11 A. Yeah.
- 12 Q. Wasn't Dr. Nikolova vulnerable, as well?
- 13 MS. HILTON: Objection, form.
- 14 A. I think the assistant professors are in a
- 15 position of uncertainty. Having been there, I've felt
- 16 that, which is why I serve as a mentor to my colleagues,
- 17 Eddie, Hao, Jean Anne, included.
- 18 Q (BY MR. NOTZON) So that would be a "yes"?
- 19 MS. HILTON: Objection, form.
- 20 A. Yes.
- 21 Q (BY MR. NOTZON) And did you reach out to
- 22 Dr. Nikolova after that e-mail?
- 23 A. I did not reach out to her after the e-mail
- 24 that she sent to the entire faculty that referenced the
- 25 elephant in the room.

1 Dean's decision but before the President's Committee had

- 2 met, to ask for help on the rebuttal, I believe. This
- 3 is what I recall. I think that's the last time we
- 4 exchanged e-mails. I think she -- I kind of think she
- 5 let me know when she had submitted it. I think I heard
- 6 about it first from her before I heard about it from
- 7 Ochman, when he told us the file was dated; but the
- 8 timing could be mixed on that.
- 9 Q. So just to clarify, the Dean recommended
- 10 against tenure. She approached you about helping her
- 11 with her rebuttal; is that right? Is that the next
- 12 thing that happened?
- 13 A. I think so. That's what I recall.
- 14 Q. And she sent in her rebuttal. Does that mean
- 15 you didn't help her with her rebuttal?
- 16 MS. HILTON: Objection, form.
  - A. I think that what happened -- and I'm -- so I
- 18 believe -- what I recall is that she asked for my help
- 19 on the rebuttal. I responded affirmatively and said,
- 20 "Yes, I'll help you."

17

- 21 And then I don't remember if it was the
- 22 same e-mail or another e-mail I realized I didn't have
- 23 access anymore to the documents I needed to help, 24 including her teaching statement; and I asked for those.
- 25 And that's when it stopped.

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So I don't remember if she sent them to

- 2 me. I think she sent them to me, and then I ran out of
- 3 time. I didn't have time to help.
- 4 And then I think she followed up after
- 5 the fact, to share her rebuttal with me or to share that
- she sent the rebuttal, perhaps. I'm not sure.
- 7 Q. (BY MR. NOTZON) So the ball was in your court
- on the rebuttal, and you dropped it?
- 9 A. I don't recall specifically.
- 10 Q. Okay. One way --
- 11 A. I know we had a little bit of back and forth.
- 12 I recall that I responded to her original e-mail. I
- didn't just ignore the original e-mail. 13
- 14 Q. Okay. On the rebuttal?
- 15 A. Yes.
- 16 Q. Okay. You responded in the affirmative and
- then something happened -- there was a back and forth
- and then something happened where it fell through and
- you don't remember if it was you that dropped the ball 19
- 20 or her?
- 21 A. That's right.
- 22 Q. But you do believe that that interchange
- 23 occurred via e-mail?
- 24 A. Yes.
- 25 Q. Okay. And then the next thing is she sent you

- 1 it a good rebuttal? Did it address the points that it
- 2 needed to address? And all of these are, of course, in

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- 3 your perception and opinion.
- A. Yeah, do we have a copy? I mean, I need to
- 5 review the rebuttal again before I can give you my
- perception on it. I don't have it in front of me.
  - Q. Okay. I'm asking for your memory of your
- reaction to the rebuttal then right now -- well, right
- now, I'm asking if you recall what your reaction to the
- rebuttal was after you read it for the first time.
- 11 A. It's going to be -- I mean, I don't know what
- 12 it was. It was tied up with that elephant-in-the-room
- 13 e-mail, so there was a lot of information and a lot of
- 14 feelings that came with that e-mail. So I can't recall
- 15 specifically what my reactions were to the rebuttal, to
- 16 the Dean's statement, to her e-mail to the entire
- 17 faculty. I can't tease those apart one from the other.
- 18 Q. Okay. But just to be clear, the rebuttal was
- separate from the elephant in the room, right?
- 20 A. Oh, maybe my recollection is wrong. I thought
- it was attached to the elephant-in-the-room e-mail.
- 22 Q. Okay. So your memory is you received the
- 23 rebuttal at the same time as the elephant-in-the-room
- 24
- 25 A. That's what I recall. It's -- I don't know.

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- 1 a copy of her rebuttal, and did you have any interchange
- 2 about that?
- 3 A. I don't recall.
- Q. Okav.
- 5 A. I don't recall if we talked about it in
- 6 person, perhaps, or on the phone or via e-mail. I don't
- 7
- 8 Q. But you're clear that you did not assist on
- the rebuttal?
- A. I don't think that I did. 10
- 11 Q. Did you read the rebuttal?
- 12 A. Yes.
- 13 Q. Did you provide her any comments about the
- 14 rebuttal?
- A. Are you asking whether I provided comments 15
- before she sent it to the whole faculty or before she 16
- shared it to her file? 17
- Q. I'll restrict my question to: After you 18
- 19 received a copy of the rebuttal, did you provide her any
- feedback on the rebuttal?
- 21 A. I don't think that I did. If I did, it was
- almost certainly over the phone or something. I don't 22
- 23 know.
- 24 Q. Okay. And what was your reaction to the
- rebuttal, or how would you describe the rebuttal? Was

Q. I'm not saying that didn't happen. I just

- 2 want to ask you what you remember because I don't know.
- Okay. And so that's the last time you
- 4 guys have had -- well, the e-mail asking for your help
- on the rebuttal and her sending you the elephant-in-the-
- 6 room e-mail is the last time that you guys have
- interacted about her denial of promotion?
- 8 A. I think so.
- Q. Okay. Have you had any other communications?
- 10 A. Yes.
- 11 Okay. About work-related issues or personal
- 12 issues?
- 13 A. I think exclusively what you would categorize
- 14 as work-related issues. Some of them are slightly more
- social, but they're still kind of professional.
- 16 Q. Okay. Do you still consider yourself a friend
- 17 to Dr. Nikolova?
- A. That's a tough question to answer. I don't
- 19 know. We haven't interacted outside of a very formal
- 20 academic setting for quite some time.
- 21 Q. Do you feel that that's something that
- 22 Dr. Nikolova has done or that you have made a decision
- 23 on?
- A. I have not made a decision to exclude her as a
- 25 friend, so.

1 Q. Okay. Have you taken any steps to interact

2 with her on a personal friend level?

3 A. Sure. We have an annual -- my family has an

- 4 annual Halloween party, and Eddie used to attend with
- her family some number of times. I think I always 5
- invited her, even -- obviously, we didn't have it this
- past year because of, you know, COVID; but I think other
- than that, she's always been invited. I think she
- stopped coming. That's my recollection.
- 10 Q. Is it one of those open invitations, or do you
- 11 actually send out invitations?
- 12 A. Oh, I send out invitations. I don't invite
- 13 all my colleagues. I invite choice colleagues.
- 14 Q. So you are sure that you had sent an
- 15 invitation to her in 2019, because there's only been one
- Halloween since she was denied? 16
- A. I'm not certain. I'd have to go back and 17
- 18 look. I'm not certain if I invited her, and I'm not
- certain if she attended if I did invite her. 19
- Q. And other than that, any other attempts to 20
- 21 personally interact?

2

- A. Yeah. We have a relatively -- I won't say 22
- 23 regular -- irregular meeting of women in the department,
- and a lot of kind of other social interactions come out
- 25 of that. We might catch up over coffee and then decide

- Q. So to what do you attribute the lack of
  - communication between you to?
  - A. So I think that I stopped running into her on
  - campus. So before these things happened, she was a more

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- regular presence on campus, and there are accidental
- bumping into people or stopping by somebody's office
- that happens when people are on campus. And I think
- that since the time of that e-mail, she's been -- we've
- all been less present for the last year; but even before
- that, I think she was less present on campus.
- 11 And then since March 2020, I mean, I feel
- 12 disconnected from all of my colleagues, who I also count
- 13 as friends, so.
- 14 Q. Yeah. We have a good, what, 13, 14 months, at
- 15 least, between the elephant and the room and March of
- 16 2020?

22

23

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- 17 A. Yeah.
- 18 Q. I guess let me ask it this way: Is it your
- understanding that the lack of personal interaction 19
- between you and Dr. Nikolova is based on Dr. Nikolova's 20
- choice alone or both yours and her choice?
  - A. I would say it's shared.
  - Q. And for your share, what is the basis of your
- reduction in personal interaction with Dr. Nikolova? 24
- 25 A. What do you mean by "basis"?

to have lunch or dinner or something else, in addition.

Eddie's routinely been invited to those. although, I think she's decided not to attend them 3

- 4 recently. I don't know why.
- 5 I am -- I have been the person initiating
- 6 them. It switches off between me and most of the time
- the Department Chair. So those are attempts.
- 8 I think there was one response from Eddie
- to one of the recent ones, one of the virtual COVID
- ones, initially saying she would attend, but then 10
- 11 withdrawing. I don't know why.
- Q. Okay. So I'm going to ask a slightly 12
- different question, which is: Have you made any 13
- attempts on a one-to-one basis to reconnect or to 14
- 15 connect with Dr. Nikolova?
- 16 A. I don't recall any.
- 17 Q. Okay.
- 18 A. There's a few times where we've had coffee,
- but they may have all been before the elephant-in-the-19
- 20 room e-mail, which is our point of reference.
- 21 Q. Okay. Are you saying that that is -- was a watershed event in your relationship with her?
- 23 A. I didn't say that.
- 24 Q. I'm asking.
- 25 A. Yeah.

22

Q. Why. 1

- A. What's causing it? I'm busy. It's the old
- adage out of sight, out of mind. Like I said, I tend to
- interact with people I bump into, and not bumping into
- somebody means I have to take another extra effort to
- reach out to them. And I didn't, so.
- Q. And is there a reason you didn't make extra
- effort, or was that just the way it happened?
- A. That's the way it happens. I've got two
- 10 little kids and other stuff going on, so.
- 11 Q. So you don't attribute the falloff in your
- personal relationship to her denial of tenure or her
- reaction to that denial of tenure, which includes the
- complaints of gender and pregnancy discrimination? 14
  - A. I do not attribute it to that.
- 16 Q. Do you recall when you read her rebuttal
- having any feeling of: This is untrue. This is 17
- factually inaccurate. This is not good?
- 19 A. Without looking at her rebuttal again, I can't 20 answer that question.
- 21 Q. Okay. Let me find it for you.
  - MR. NOTZON: Dang it. I'm blaming Bob
- 23 for this.

15

22

- 24 Okav. Now it should be up.
- 25 THE WITNESS: Okay. There it is.

114 116 1 MR. NOTZON: Exhibit 7. 1 were attributed to one in particular. Whether it was 2 (Witness silently reading document.) 2 the e-mail or the rebuttal itself, I can't say. 3 MR. NOTZON: And I'm okay if you want to Q. Okay. And not to quibble with you too much, 4 go off the record and have a review of this just so 4 but you said that she had asked you for help in writing 5 5 the rebuttal. So the Dean's statement would have been people can take a break, as well. 6 MS. HILTON: That sounds good. required for writing that rebuttal. So she probably 7 THE WITNESS: Sorry. I'm a slow reader, 7 would have sent you that with the request to write the 8 rebuttal separate? SO. 9 9 A. Yeah. MR. NOTZON: I am, too. I like to read 10 Q. So I hear you saying that it's all jumbled up, 10 the words. 11 but you consciously know that they probably weren't all 11 All right. So just come back when you're 12 ready. 12 together? 13 13 A. Yeah, I mean, that's probably a fair THE WITNESS: Okay. 14 THE REPORTER: We're going off the record 14 characterization. In my head, like trying to tease out 15 at 1:56 p.m. 15 a specific memory of, "I read this document, and I 16 16 responded in this way," you know, years ago is hard for (Off the record from 1:56 to 2:11 p.m.) 17 THE REPORTER: We're back on the record me to do in that kind of memory, right? So I don't -- I 18 at 2:11 p.m. can't answer the question because I can't give you a 19 Q (BY MR. NOTZON) Okay. You were able the look clear picture of what my feelings were at that time. 20 20 at the rebuttal? Q. Well, can you give me your memory of what your 21 A. I was. feelings were, whether it's to the whole jumbled group 22 Q. Okay. instead of one particular document? 23 MR. NOTZON: And what was the question I 23 A. Yeah, I can give you a sense that -- one of my 24 had asked, Debbie? 24 recollections is that it came across to me as defensive, 25 (The requested material was read as 25 which, I mean, it was a defense, so in the sense that 115 117 1 follows: 1 defenses are defensive. But I feel like it read, to me, 2 "QUESTION: Do you recall when you read 2 as overly-defensive; and that's style, perhaps. 3 her rebuttal having any feeling of: This is untrue. Q. And you would have recommended her not do that 4 This is factually inaccurate. This is not good?") 4 had you participated, to alter that? A. All right. So focusing on things that are, A. I can't say what I would have done in that you know, factually questionable in the statement, I 6 moment. I mean, everybody's personality is different. 7 think that -- I kind of took some notes as I read The situation calls for different recommendations for through. 8 8 different people; and I would never try to make clones Q. (BY MR. NOTZON) And let me clarify: Are you of myself. So I can't say what I would have recommended 10 answering today, or are you answering from what you 10 in that space. 11 recall back in 2019? 11 Q. Okay. Would you have made a recommendation at 12 all? 12 A. I guess I'm answering for today because I've 13 read it just now, right? And I can tell you what I know 13 A. Like I said previously, if a colleague asks me to be factually inaccurate now. I don't know what I was 14 for help, I would try to help that colleague as best I 14 15 thinking back then. could. Not doing so in this case was surely a lack of 16 Q. Let me ask you, first: Do you recall at all 16 time, just being too busy with other things. 17 Q. Do you recall that -- so there's the elephant-

Q. Let me ask you, first: Do you recall at all
what your reaction was in first reading it back when you
first got it?

A. I think that -- and I don't know a clear way
to explain this; but, in my head, my memory, I received
three things all at once, right? So I received the
e-mail -- at least, this is how I recall it -- the
e-mail, this rebuttal, and the Dean's statement all at
the same time. And I can relate my feeling in response
to that, but I can't say necessarily that those feelings

25 A. I don't recall specifics related to that, but

MS. HILTON: Objection, form.

23 support of that?

18 in-the-room e-mail; but wasn't there also another e-mail

sort of affirmative action from the Department to the

President's office, essentially defending Dr. Nikolova's candidacy for tenure and the Budget Council's vote in

19 asking about potentially creating a petition or some

1 I do recall mention of a petition. I don't remember if

- 2 it came from Eddie herself or from other people in the
- 3 department, and I don't know if it was in the form of
- e-mail or if this was in-person conversations. I do
- have a recollection that such a conversation was
- broached in some context, but I can't recall what
- 7 context
  - Q. Do you think of it independently from the
- 9 elephant-in-the-room e-mail, as a separate action?
- 10 A. I would associate it with following the
- 11 elephant-in-the-room e-mail.
- 12 Q. Okay. And do you recall meeting or advising
- 13 Eddie not to do that?
- 14 A. I don't recall.
- 15 Q. Okay. Was it your opinion at the time that
- you would not participate in that action? 16
- 17 A. I can't recall.
- 18 Q. Do you recall taking any -- having any
- conversations with anybody about the petition? 19
- I don't remember. I do recall the petition. 20
- 21 I don't remember the details of who I talked to, whether
- it was Eddie herself or whether it was another colleague 22
- 23 who had also talked to Eddie. I don't recall.
- 24 Q. Okay. And you don't recall whether you had a
- 25 position of support for that or opposition or neutral?

- that it's not; it's just not related.
  - 2 There's an implication that we hadn't
  - been providing practice exams in Algorithms until Eddie

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- decided to do that, but we've been doing that since the
- beginning of the course.
- 6 And then the last thing that I thought
- was kind of factually questionable were some of the
- comments about her start date in relationship to
- Dr. Tiwari's -- Mohit's start date. She said that Mohit
- started in the Fall of 2013, and it was -- I'm trying to
- find that again -- and she didn't start until January of
- 12 2014. And so the goal there is to equate their time as
- equivalent, but that's not correct because she started a
- 14 semester later. So I think that's just a little
- 15 misleading.

20

- 16 Q. Page 10, the third paragraph.
- 17 A. Yeah, sorry. Page 10.
- 18 Q. I didn't know if you needed to see it.
- 19 A. Yeah. Thank you.
  - Q. Okay. She's not saying -- I mean, she's
- acknowledging they started at different times, right?
- 22 A. Yeah, perhaps. Maybe I misread that.
- 23 Q. And, you know, she's relying on the two and a
- 24 half years she taught at A&M, correct --
- 25 A. Yes, that's correct.

- - Q. -- as part of her justification for being
    - readv. as it were?
    - 3 A. Time and rank, yeah.
    - Q. I think it's been referred to -- I've seen it
    - 5 frequently as "technically early"?
    - 6 A. I don't know if that's a policy term at the
    - 7 university.
    - 8 Q. No.
    - 9 A. I think early is early, from the University's
    - 10 perspective.
    - 11 Q. Well, would you agree that -- so if you're --
    - if you've got six years of teaching experience from two 12
    - 13 different universities, that's early as to UT's
    - probationary clock, based upon UT's policy, correct? 14
    - 15 A. If you don't have six years of experience at
    - the time of promotion at UT, UT's policy considers that
    - to be an early promotion. 17
    - 18 Q. Right. I think I just said that.
    - 19 A. Okay. Well, there was something about A&M in
    - 20 there.
    - 21 Q. Well, my statement was if you have six years
    - of time in at a combination of universities, that would
    - be considered early at UT because you wouldn't have six
    - vears at UT?
    - A. That's correct.

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- A. I don't recall. 1
- 2 Q. You would recall if that petition -- well, you
- already said that the petition was a follow-on from the 3
- elephant-in-the-room e-mail? 4
- 5 A. That's the way I remember it, yeah.
- 6 Q. All right. So back to the rebuttal. You were
- about to tell me your current understanding of what's
- factually inaccurate. 8
- A. Yeah. So there's a statement in here that
- 10 says that this class, the EE 360C, is one of the, quote,
- 11 "hardest classes to get high teaching evaluations for."
- I don't think that statement is backed up by fact. I 12 think that statement might be opinion, but it's 13
- 14 presented as fact.
- 15 Q. Okav.
- 16 A. So that's one place I would call into question
- 17 the fact.
- There's another place in this rebuttal 18
- where she mentions that high demand for classes 19
- 20 indicates quality of teaching; and, in my own
- experience, that is not the case, not necessarily a 21
- 22 causal relationship. So I don't think you can draw a
- connection between the fact that the enrollment numbers 23 in her graduate class increased as an indication that
- her teaching quality is high. It's not an indication

11

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1 Q. And that would be early for UT.

2 Now, if you had less than six years at UT

3 and less than six years at UT and somewhere else, that

would be early, early? 5

MS. HILTON: Objection to form.

6 A. The UT policy sees those as the same. Early

is early. There's no difference between what you did

before you joined UT. Your probationary period starts

at the beginning of the academic year following when you 9

10

11 Q (BY MR. NOTZON) Yeah, that's looking at the

12 policy; but I'm talking about in practical terms,

because you know, since you've been there so many years,

14 that people have gone up for tenure based upon their

prior service, teaching at other universities, some of

which have gone up with a total of six or more years of 16

combined service. And that was fine, and they went up

18 and they got tenure, however they did. Would you agree

19 with that?

20 MS. HILTON: Objection, form.

21 A. I agree that people have been tenured at UT

22 and that some people have been tenured early.

23 Q (BY MR. NOTZON) Where they met the six years

of time, but they had to rely on prior service somewhere 24

3

Q. With combined years of teaching of six or more

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2 years?

3 A. Yes.

Q. Okay. Next question: Are you aware of any

5 professor -- any faculty member having gone up for -- if

you want to say "early tenure," I don't care -- early

tenure with less than six years of time at UT and/or

another university that didn't even have six years of

combined teaching? 9

MS. HILTON: Objection, form.

A. I am aware of faculty that we have early

promoted who did not have six years in the probationary

period at UT or anywhere.

14 Q (BY MR. NOTZON) Okay. And are those persons,

15 that second category, are they considered to be more

early or held to a higher bar than just the people that

have achieved the six years or more combined between the

18 two universities?

19 MS. HILTON: Objection, form.

20 A. I do not believe so.

21 Q (BY MR. NOTZON) Okay. So they would have the

same high bar to meet, regardless of where they are in

the total years of teaching. It all only has to do with

the UT years of teaching as to how high the bar is?

25 MS. HILTON: Objection, form.

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A. So I'm not sure what you're asking. The early

2 promotion bar is higher than the regular promotion bar.

3 Everybody's probationary period is measured from the

4 beginning of the academic year following when they

5 started at UT. It's measured from there. If they go up

for tenure before that, then, it's considered early

promotion; and the bar is considered to be higher.

Q. (BY MR. NOTZON) Okay. What I'm trying to get

at is: Is there a higher bar and then a higher, higher

bar and then a higher, higher, higher bar?

11 A. Not that I know of.

12 Q. Okay. There's just the on-time bar and the

13 early, higher bar?

14 A. As far as I know, yeah.

15 Q. Okay.

16 A. I mean, I guess if we're talking about a

17 single year of early. If we're talking about multiple

years early, fewer than five years in a probationary

19 status at UT, there might be a different consideration.

20 Q. Yeah, that's what I was -- that was the second

21 category of people that went up early that didn't even

meet the six. So they would be more than just early at

23 UT; they'd be early at UT and without six years?

A. Yeah, I'm trying not to muddle with is there

25 time at another institution. What I'm saying is: If

policy says. I'm just asking you a simple question; and

5 I just want to know if you're aware of it or not, not an

A. My understanding is those cases were still

Q. I'm really -- we're not arguing about what the

6 explanation of how the policy views it. Okay?

2 considered early promotion. When you go up --

7

8 Q. Are you aware that someone has gone up for

tenure at UT and received tenure when they had six years of probationary experience at a combination of UT and 10

11 somewhere else?

12 MS. HILTON: Objection, form.

13 A. I don't agree with that statement exactly as

14 it's presented. The probationary --

15 Q (BY MR. NOTZON) The question is whether

you're aware or not of a faculty member that went up for and received tenure when their teaching record was six 17

years as an Assistant Professor with a combination of

19 years between UT and another institution, yes or no?

20 A. I'm aware of a person who has gone up for

promotion -- early promotion at UT in our department after having spent some time at another institution.

23 Q. With a combined --

24 A. And succeeded in achieving early promotion

when they had been --

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1 your probationary period at UT is at UT, six years,

- 2 you're on time. If your probationary period at UT is
- 3 less than six years, you're early. If it's less than
- 4 five years, you might considered early, early; but I'm
- 5 only talking about the probationary period at UT. I'm
- 6 not talking about time at another institution, which the
- 7 questions have been kind of mixing time at another
- 8 institution and time at UT.
- 9 Q. You're not aware that time at other
- 10 institutions has been used as a basis for going up
- 11 early?
- 12 A. When a faculty member goes up for promotion or
- 13 tenure, their entire career is considered. So if
- 14 someone spent time at another institution, the
- 15 publications, the service activities, everything that
- 16 they did at that other institution is used as part of
- 17 the evaluation. The same is true for someone who's done
- 18 a post doc. The same is true for someone who spent time
- 19 in industry. It doesn't contribute to their
- 20 probationary period, but it is part of their corpus of
- 21 work.
- 22 Q. I understand that. But I'm trying to get at
- 23 the part of the policy that says that if it's an early
- 24 or accelerated promotion, that the reason for an early
- 25 or accelerated nature must be explained. Do you

- 1 Q. Okay. What about two or one?
- 2 A. I have no idea. I don't -- I don't recall any
- 3 of those, but I'd have to go back and look to give you a
- 4 definitive answer.
- Q. I would assume that those would be remarkable?

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- Yeah, I would assume so, too.
- 7 Q. And as they're remarkable, that's why I'm
- 8 asking if you would know that because if it would
- 9 happen, I would think that the scuttlebutt around the
- 10 university would have been a lot.
- 11 A. Yes, but I -- it's a big university. So if it
- 12 didn't happen in my department, the chances I'd know
- 13 about it are really slim because I haven't served on the
- 14 College of Promotion and Tenure; and I don't see
- 15 anything at the university level.
- 16 Q. Okay. How about any four years?
- 17 A. There may be colleagues in our department that
- 18 have been done in four years. Again, I'd have to look
- 19 back at all the different cases and refresh my memory on
- 20 them.
- 21 Q. Okay. And so, by the same token, you're not
- 22 really sure if four years is considered a higher bar
- 23 than the five year?
- 24 MS. HILTON: Objection, form.
- 25 A. I don't know what the University policy says

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- 1 understand that as part of the policy?
- 2 A. I don't -- I don't know.
- 3 Q. Okay.
- 4 A. I don't know the ins and outs of the policy.
- 5 Q. Okay. That's where my question was going, and
- 6 it was going towards there on the explanation that's
- 7 been provided for several files that I've read -- and I
- 8 don't know if you're aware of this or not; that's why
- 9 I'm asking -- is whether or not just having met the
- total six years by a combining of the prior service andUT was a basis that was given to explain the early
- 12 promotion. If you're not aware of that, then --
- 13 A. I can't -- I can't comment on that. I don't
- 14 know.
- 15 Q. Okay. All right. So the follow-up, now that
- 16 you've said the early, early part -- or understood what
- 17 I was talking about, maybe -- so what if you're at three
- 18 years? So that's three years early at UT. Do you know
- 19 of anybody that's gone up at three years?
- 20 A. I -- I don't know. I'd have to go back and
- 21 look at my colleagues and see when they went up. I just
- 22 don't know.
- 23 Q. Okay. As you're sitting here today, you don't
- 24 know?
- 25 A. Not off the top of my head.

1 about it. I don't know.

- Q (BY MR. NOTZON) All right. Let me -- oh, you
- 3 were providing me factually inaccurate observations
- 4 about the rebuttal, right?
- 5 A. Yeah, I was done.
- Q. Okay. Was there any other reaction you had to
- 7 the rebuttal other than you did say it was defensive?
  - A. Yeah.

8

- 9 Q. Is there anything else that you would
- 10 criticize or comment on?
- 11 A. Yeah. I mean, I would say one other feeling
- 12 that I get from it is a pretty personal feeling and that
- 13 related to the Algorithms class.
- 14 Q. Personal to you?
- 15 A. Personal to me in the sense that there's kind
- 16 of -- well, I don't know if it's personal to me -- but
- 17 in the sense that, "Dr. Julien has done a good job
- 18 teaching this class. I do exactly the same things she
- 19 does in the class. So it doesn't make any sense that
- 20 I'm not considered as doing a good job."
- 21 And I know from my own experience, having
- 22 taken on a course from another professor and using her
- 23 materials directly, that that is not surprising at all;
- 24 and you have to adapt a class. And so I took a little
- 25 bit of an affront to that. I mean, I guess that's just

20

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1 a response I had to the read today; but...

- 2 Q. Although, you were given a chance to help?
- 3 A. Given a chance to help with what?
- 4 Q. The rebuttal.
- 5 A. Yes, she asked for my assistance; but, I mean,
- 6 I wasn't an author of this rebuttal.
- 7 Q. Right. But what I'm saying is: You're taken
- 8 aback by it, but she also wasn't trying to hide it or
- 9 sneak it by you or, obviously, wasn't trying to offend
- 10 you because she invited you to help?
- 11 A. That's correct.
- 12 Q. Okay. I just wanted to make sure --
  - A. I mean, I wasn't -- yeah. And, again, this is
- 14 my response to it -- just to be clear, this is my
- 15 response to it today. I don't know what my response to
- 16 it was -- would have been previously and what I might
- 17 have said. I don't know.
- 18 Q. So did you ever meet with any other faculty or
- 19 discuss the petition with any members of administration?
- 20 MS. HILTON: Objection, form.
- 21 A. No.

13

- 22 Q. (BY MR. NOTZON) Did you ever try to talk
- 23 anybody out of the petition or express that that was not
- 24 the way to go?
- 25 A. I don't recall that I did. I don't recall

- 1 Q. I guess the move to approve her going up for
  - 2 tenure.
  - 3 A. Yeah, we have a two-step process. We vote,

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- 4 usually, at the end of, like, a spring semester to put
- 5 people up for -- to encourage people or to approve
- 6 putting together a package; and we voted affirmatively
- 7 for that for Miryung. And then we vote -- after the
- 8 package has been put together and we have received
- 9 letters, then we actually vote on the case.
- 10 Q. And that was an early promotion, correct?
  - A. That's correct, she was one year early.
- 12 Q. And the vote to -- the first step of the two-
- 13 step, was a good majority vote?
- 14 MS. HILTON: Objection, form.
- 15 A. It passed. I don't remember the score, if you
- 16 will, the actual vote count.
- 17 Q. (BY MR. NOTZON) You don't remember if it was
- 18 tight or extreme?
- 19 A. I don't remember it, huh-uh.
  - Q. Okay. And then do you remember what the vote
- 21 was on the second step?
- 22 A. I do not remember the details of the vote on
- 23 the second step. I know that her case didn't move out
- 24 of the department, but I don't remember what the numeric
- 25 values of the votes were.

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- 1 conversations about -- whether I had them with other
- 2 faculty or with Eddie, I don't recall the specifics
- 3 behind the conversations.
- 4 Q. Do you recall how you felt about the petition
- 5 or the idea of a petition because I don't know if I ever
- 6 saw a petition?
- 7 MS. HILTON: Objection, form.
- 8 A. I just don't know how I can respond about how
- 9 I felt about something that I don't know if it ever
- 10 existed, either, so.
- 11 Q (BY MR. NOTZON) So you don't remember having
- 12 a feeling about the idea of a petition?
- 13 MS. HILTON: Objection, form.
- 14 A. I don't remember that.
- 15 Q (BY MR. NOTZON) Let me follow up on a couple
- 16 of the questions I had asked earlier. On Dr. Kim, I
- 17 wanted to ask: Do you recall that she actually did go
- 18 up for tenure and received a vote from the Budget
- 19 Council?
- 20 A. I do.
- 21 Q. Okay. And do you recall that the initial
- 22 reaction to her going up for tenure was positive from
- 23 the Budget Council before the vote?
- A. What are you referring to as "the initial
- 25 response"?

- 1 Q. Okay. And when you say, "It didn't move out
- 2 of the department," when it gets a negative vote from
- 3 the Budget Council, it doesn't go to the College?
- 4 A. I'm hazing on the specifics behind Miryung's
- 5 case. Because it was an early promotion, it wasn't an
- 6 up-or-out year, so she had an opportunity at that point
- 7 to curtail the process. So it's possible that's what
- 8 happened.
- 9 Q. Okay. So you don't remember if she withdrew
- 10 it voluntarily or not?
- 11 A. I don't remember.
- 12 Q. Okay. So you wouldn't have been the one
- 13 advising her one way or the other?
- 14 A. Oh, I very well might have been. We were
- 15 close friends.
- 16 Q. But you don't remember doing that?
- 17 A. I don't remember one way or the other, no.
- 8 Q. Do you remember her complaining that a male
- 19 member of the faculty had been sabotaging her efforts,
- 20 either her promotion package or her research?
- 21 A. I don't remember.
- 22 Q. Did you have any official role to play in her
- 23 dossier?
- A. I don't remember that, either. She was in my
- 25 research area, but I'd have to look back at the timing.

1 I might not have been on the Budget Council at that

- 2 point. I don't remember for sure. I'd have to look
- 3 back. I definitely assisted her and provided her
- 4 feedback on things at different times.
- 5 Q. Do you remember if she went to the office of
- 6 the OIE, the Office of Equity and Inclusion, to complain
- 7 about the male faculty member?
  - A. I don't clearly remember one way or the other.
- 9 Q. Okay. But after that withdrawing of her
- 10 promotion dossier, she left UT?
- 11 A. She did.

8

- 12 Q. She had the opportunity to go up a second
- 13 time, but she decided not to stay at UT; is that right?
- 14 A. That's correct.
- 15 Q. And for you, personally, I asked you about the
- 16 early promotion possibility. Was that -- did you
- 17 actually consider it?
- 18 A. Yes, I considered it in consultation with a
- 19 Department Chair and my mentors at the time.
- 20 Q. Okay. And it didn't go any further than those
- 21 discussions?
- 22 A. No, I didn't -- my case didn't even go up to
- 23 preliminary vote to the faculty. Who they also talked
- 24 to, to get input, I don't know; but as far as I'm
- 25 concerned, I didn't put anything together packet-wise.

- 1 MS. HILTON: Objection, form.
- 2 A. That's correct.
- 3 Q (BY MR. NOTZON) I mean, from your experience,

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- 4 faculty, when they want to signal their support, they
- 5 pull out the adjectives?
- A. We do. You know, here, we're saying things
- 7 like, "She has contributed. She stepped in." We're not
- 8 saying, "She excelled at," as an example.
- 9 Q. Yeah. Okay. You state the positive facts,
- 10 but you characterize them further with adjectives and
- 11 other facts that put it in context that this is above
- 12 and beyond good?
- 13 A. In fact, we would use words like, "This is
- 14 above and beyond good," is what we would say.
- 15 Q. Some comparison, comparative description, yes.
- 16 Okay.

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- 17 Was there anything else about
- 18 Dr. Nikolova's dossier besides what you've commented on,
- 19 the teaching, that put you on the fence for
- 20 Dr. Nikolova?
- 21 A. Yeah. So we've talked mostly about the
- 22 undergraduate teaching. I think the graduate teaching
- 23 was particularly concerning because usually the course
- 24 instructor ratings for graduate courses are quite high,
- 25 and hers are low and on average. And, again, averages

Q. And from your understanding of those

- 2 discussions, was that their advice to you?
- 3 A. Yes, their advice to me was very clear; and
- 4 it's memorable.

1

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- 5 Q. Okay. "Wait," was that the advice?
- 6 A. "Wait. There is a strong -- there is a higher
- 7 bar for an early promotion, and you have a very strong
- 3 regular term promotion case. Wait."
- 9 Q. Okay. And you didn't have prior service at
- 10 another university that you could try to argue that met
- 11 your six years, correct?
- 12 A. I came straight to UT from my graduate degree.
  - Q. Okay. Related to you being on the fence about
- 14 Dr. Nikolova's promotion -- that was your comment when I
- 15 was asking you about the teaching document that you
- 16 created with your colleague -- was there anything else
- 17 in the document other than that last sentence, that
- 18 summary sentence at the end, where you said it wasn't as
- 19 strong as some of the other sentences you'd written?
- 20 A. I can't point to anything specifically; but
- 21 especially in the time period where this was written,
- 22 this is not an effusively strong statement. This is a
- 23 good statement. This is a statement of good teaching.
- 24 Q. When it's great, there's a lot of adjectives
- 25 that are included; is that right?

1 are averages. I think that was concerning for me.

- 2 And I think that a lack of teaching
- 3 record, so even with the time and service, the number of
- 4 classes she'd had the opportunity to teach was low. So
- 5 it was hard to see what was going on.
- 6 And then I recall that I had concerns
- 7 personally about kind of student advising and mentoring
- 8 and whether or not students felt supported in her
- 9 research group.

17

- 10 Q. Where did that concern come from?
- 11 A. Just from conversations with students. I
- 12 don't recall if it was in the advising statement that
- 13 was submitted with her dossier, but these were kind of
- 14 inputs that came up in the conversation in the faculty
- 15 meeting. I mean, these were things that impacted my
- 16 decision, my thinking on that case.
  - Q. Back to the teaching scores, we had talked
- 18 about how you compare courses and scores and how -- what
- 19 a good comparison is and what isn't. You saw from her
- 20 rebuttal where she says on the undergraduate teaching
- 21 scores, that those were in the -- she was, like, the top 22 two or -- Number 2 or 3 out of the 14 professors that
- 23 have ever taught the course?
- A. She said three, what I read when I read this;
- 25 and that may be true. I didn't do any data processing

Appx.0458

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19

1 on this table, yeah.

2 Q. So that's -- I mean, that would put her in,

3 what, the top 15 percent?

4 A. This isn't a comparison. I don't know where

5 it would put her for this class. I also don't know

6 where it would put her relative to the department. I

7 did notice in the Dean's letter that she pointed out

3 that fewer than 16 -- or 16 or 17 percent of the faculty

in the Cockrell School have 3.7 or lower, I think is

10 what she said. So that puts the 3.7 at, you know, the

11 bottom of the course instructor ratings.

So, I mean, again, you can compare within

13 class; but you also need to think about the class in a

14 broader context of all the courses that are, say,

15 required for undergraduate students and how this

16 compares. And I haven't run those numbers. I don't

17 know.

18 Q. Well, wouldn't you agree that it's unfair to

19 comment on the outlier low score and use that as a basis

20 to say -- and anchoring her to the bottom 16 percent

21 when that's the one outlier score?

MS. HILTON: Objection, form.

23 Q. (BY MR. NOTZON) And all the others are within

24 .2?

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A. Yeah. The statistic from the Dean's letter

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1 engineering classes generally, the usefulness of that is

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2 to tank the professor, no?

MS. HILTON: Objection, form.

A. I guess it depends on what the relativeness of

5 the scores are. I think that we want all of our -- I

6 mean, Course Instructor Surveys' quantitative value are

7 just one dramatically imperfect measure of a course; but

8 they are one measure we have. They're a measure of the

9 students' satisfaction with the course.

10 Q. (BY MR. NOTZON) We're not arguing about that.

11 We're talking about why you were on the fence. And

12 we're talking about undergraduate scores and comparing a

3 class where she's the top, Number 3, teacher score-wise

14 of all the teachers that have taught the course over the

15 past ten -- "X" years, and then trying to compare that

16 as below the median of all engineering classes, which

17 doesn't it take into account the contextual harm of all

8 the factors that I said; and that's not fair, is it?

MS. HILTON: Objection, form.

20 A. There are two -- we have on the table two

21 possible comparisons. Compare this class to all

22 engineering classes. Compare Eddie's performance in

23 this class just to this class. I think the right

24 comparisons are to do -- we've got to go outside of the

25 class because several of these instructors that are

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1 causes me to wonder what is the rest of the distribution

2 of the scores; and so without the rest of that

3 information, I can't comment on what 3.9 indicates.

4 You're right, it'll be a number that's bigger than

5 16.6 percent; but I don't know what the number would be.

6 Q. Well, she went through it in her rebuttal; and

she talks about how she is higher than -- well, let me

8 ask another is-it-fair question. It's also not fair to

9 compare the scores in that class across -- which is what 10 the Dean did -- across engineering classes generally?

11 MS. HILTON: Objection, form.

12 A. As I said before, we do a lot of different

13 cross-sections on these course instructor evaluations.

14 We do averages for all courses. We'll do averages for

15 just graduate versus undergraduate because, like I just

16 said, graduate courses tend to be higher. We'll also do

17 comparisons across required courses or, like we

18 discussed earlier, courses based on size. I think all

19 of those provide useful information of teaching

20 performance.

21 Q. (BY MR. NOTZON) Useful to what end is the

22 issue, though, because if you're comparing a required

23 high-registration class that has documented history on

24 the low end, you know, the sub-four numbers; and you're

25 then going to compare that to the median scores for

1 listed are not teaching this class anymore for a reason.

2 We're looking for new instructors who can do a better

3 job of teaching this class, right?

4 Q. (BY MR. NOTZON) That's your answer. Okay.

Any other reasons you're on the fence

6 with Dr. Nikolova's promotion other than what you've

7 testified about so far?

8 A. I don't recall any others.

9 Q. Did you vote for Dr. Nikolova in the

10 promotion?

11 A. I did vote. Is that what you're asking?

12 Q. For the promotion.

13 A. I don't recall how I voted.

14 Q. There was -- I think it was 32 to 1 and --

A. And two abstentions, yeah. And I don't know

16 how I voted.

17 Q. Okay. You don't know, or you don't want to

18 answer?

15

19 A. I honestly don't know.

20 Q. You don't know how you voted for the first

21 female that had gone up in a while?

22 A. The fact that she was female didn't impact my

23 vote at all.

24 Q. Okay. And why is that?

25 A. Because it had nothing to do with her

Appx.0459

1 credentials for promotion or tenure.

- 2 Q. I'm not saying that you voted because she was
- 3 female as a criteria -- qualifying criteria. I'm saying
- you voted for a woman to get tenure or not, which would
- have been a meaningful event in your career, as an
- underrepresented female, that is a passion for you.
- 7 That's not an event that would cause you to remember
- what your vote was?
- 9 A. I'm saying that Eddie's tenure case is no more
- 10 meaningful or less meaningful than any other tenure case
- we do. Whether or not it was a male or a female does
- 12 not impact my decision nor does it impact my memory of
- 13 that event.
- 14 Q. So if you're voting for a female President,
- 15 that wouldn't be a memorable vote?
- MS. HILTON: Objection, form. 16
- A. Well, I can tell you who I voted for in every 17
- single Presidential Election. They've all been quite 18
- 19 memorable.
- Q (BY MR. NOTZON) Okay. That's not an answer 20
- 21 to my question, though.
- 22 There's never been a female President.
- 23 Would you not remember who you voted for if it was a
- 24 female, because it would have been the first female
- President, not because she's a female, but because you

- 1 Q. So you gave her advice to wait?
  - 2 A. Yes.
  - 3 Q. Okay. And did anyone else give her advice to

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- wait that you're aware of?
  - A. I was told secondhand, perhaps by Eddie,
- perhaps by the other people, that they had given her
- 7 that advice
- 8 Q. Did you tell her why you wanted her to wait
- 9 other than it's a higher bar?
- 10 A. That would have been the reason I would give.
- 11 Q. Okay. Did you not give her context that,
- 12 "It's a higher bar, and I'm not sure that you meet that
- higher bar" or "I don't think you meet that higher bar"?
- 14 A. I don't know how explicit I might have been in
- 15 those conversations.
- 16 Q. When you were pregnant during your
- probationary period, did you teach that course, that 17
- 18 undergraduate course?
- 19 A. I don't think so.
- 20 Q. Okay. Did you ever get teaching scores below
- 4.0? 21
- 22 A. I don't remember. I'd have to go back and
- 23 look at all my teaching scores. It's possible that I
- 24 did early on.
- 25 Q. Do you recall that your lowest score on record

- thought she was the best candidate?
- 2 MS. HILTON: Objection, form.
- A. I mean, I believe that I will remember who I 3
- voted for for President because it is a memorable event.
- not because -- and I will remember who I voted for
- 6 because of who they were, not necessarily because they
- Q (BY MR. NOTZON) Okay. So this was not a 8
- memorable event for you, voting for Dr. Nikolova or not?
- A. It was no more memorable than voting for any 10
- 11 other promotion case, for me.
- Q. Do you remember how you voted for Kim, 12
- 13 Dr. Kim. Step 2?
- 14 A. I can't be absolutely sure how I voted for her
- 15 case.

21

- Q. Did you ever tell Dr. Nikolova not to go up 16
- 17 for early promotion?
- A. We had several conversations. I kind of 18
- 19 served as something of an informal mentor, where she
- 20 relayed she had been given this information; and I and
- others were trying to make it clear that this was going 22 to be considered an early promotion and that the early
- promotion had a higher bar and that she should
- definitely consider the advice that she was being given
- about waiting.

- 1 is the semester you were pregnant?
  - A. I do not recall that.
  - Q. That's something you could look up, isn't it?
  - 4 A. I could look it up.
  - 5 Q. Do you know if you were breastfeeding during a
  - semester when you were teaching?
  - 7 A. Oh, certainly, twice probably -- or maybe more
  - 8 than that, actually. I breastfed my children for a year
  - 9
  - 10 Q. And do you recall whether or not your teaching
  - 11 scores were lower at those semesters?
  - 12 A. I do not recall.
  - 13 Q. Are you aware -- well, let's go ahead and look
  - at a couple of documents. You were the Chair of the 14
  - Faculty -- I know I'm going to get this wrong --15
  - **Evaluation Committee?**
  - 17 A. The Faculty Annual Review Committee?
  - 18 Q. Yeah.
  - 19 A. Yeah.
  - 20 Q. And there's a faculty annual review, and then
  - 21 there's a peer evaluation?
  - 22 A. A peer teaching observation. So the faculty
  - annual review is also technically a peer review because
  - you're being reviewed by your peers, right, but it's
  - called the faculty annual review; and then there are

146 1 peer teaching observations that are done of classroom 1 if you added anything or not to the language -- or took 2 instruction. 2 anything away from the language in 47 D? 3 Q. Okay. And those are two different things. So A. I don't believe that I did. I may have added 4 I want to talk about the one where you were the chair, connector words, semicolons, that sort of thing; but I 5 and so let me go ahead and put up a document that I didn't add words. think was created for -- by your department on the whole 6 Q. All right. Then let me pull up another one. 7 faculty. So this would be ... 7 MR. NOTZON: So this will be Exhibit 16. 8 MR. NOTZON: Debbie, is this Exhibit 14? 8 (Exhibit 16 marked.) 9 9 THE REPORTER: Yes. THE WITNESS: Okay. 10 10 THE WITNESS: A spreadsheet, is that what Q (BY MR. NOTZON) Okay. And this confirms what 11 I'm opening here? you testified about, right, that Constantine was one of 12 MR. NOTZON: Yes, uh-huh. the people rating; and he gave Dr. Nikolova a "Meets 13 Expectations," correct? 13 THE WITNESS: Okay. 14 (Exhibit 14 marked, but withdrawn.) 14 A. Uh-huh, that's right. 15 15 Q (BY MR. NOTZON) Oh, that's not the one I was Q. So you see the explanation there, "Reasonable 16 looking for, I don't think. publication record. Teaching record also okay. Service 17 Okay. But there it is. All right. I'll to the department is low, but perhaps this is on account 18 put up the other one, Exhibit 15. of having been on leave." Do you see that? 19 (Exhibit 15 marked.) 19 A. Yes. 20 A. Okay. I'm familiar with this one. 20 Q. Was she on leave?

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147 A. 47. 1 she was pregnant? 2 Q. Thank you. A. I don't know that we were told. 3 Q. Okay. All right. But you were clear that it A. Sure. 4 Q. Okay. And whose language is that in 47 D? 4 was because of child issues? 5 A. That would have been the two reviewers of A. I don't know that we were told. 6 her -- yeah, so the two independent reviewers of her 6 Q. Okay. And at this point you're not files from that committee, which in this particular case is that right? was Constantine Caramanis and Michael Orshansky. They will have submitted language, and then I will have 10 merged them and then given it back to the entire 11 committee for their approval. So it kind of has mostly Michael and Constantine, but a little bit of me. 12 13 Q. Okay. And it says, "Meets Expectations." conversation with me. And would it be accurate that this is for the year '18-14 14 15 '19, right? 15 asked about your personal capacity. 16 16 17 Q. Which is the year that she went up and was denied tenure, but this was conducted the year after; is 19 that right? 20 A. That's right because the review was for the 20 reason. period from September 2019 through -- I'm sorry --21 September 2018 through August 2019, but the review was

Q (BY MR. NOTZON) Okay. And if you look down

done in the Spring of 2020. That's the cadence for this

Q. Okay. And sitting here today, you don't know

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review.

to where Dr. Nikolova is --

A. Sorry. Scrolling.

I'm there.

Q. Okay. Which line is it?

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communicating with Dr. Nikolova to know that personally; A. Modified Instructional Duty requires a 10 conversation with the Department Chair for the justification of Modified Instructional Duty. I'm not 12 the Department Chair, so she didn't have that Q. I didn't ask about your official capacity. I A. But what I'm trying to say is that even if I'd 17 known in a personal capacity that she was pregnant, that doesn't necessarily say why she was on Modified Instructional Duty. It could have been for a different Q. It wouldn't be hard to draw that conclusion 22 from your own experience? A. But it might be incorrect. Q. Were you able to know if she was on leave or 25 not?

A. She was on Modified Instructional Duty.

Q. Okay. And she was on Modified Instructional

25 Duty because of her -- because of a new baby or because

Q. So she wasn't on leave?

A. She was not on leave.

1 A. The input to the Faculty Review Committee

- 2 would have told us if she was on leave. So the
- 3 statement that she was on Modified Instructional Duty
- for Fall of 2018 and that we should review only Spring
- activities came to us as a directive when we were given
- the instructions, like that kind of template spreadsheet
- 7 from which we drew that.
- 8 I'm sorry. I didn't quite answer your
- 9 question. In that same spreadsheet we would have been
- 10 told if she was on leave, instead.
- 11 Q. Okay. So why didn't you fix that in
- 12 Exhibit 15, 47 D?
- A. What do you mean why didn't I fix it, fix 13
- 14 what?
- 15 Q. Because she wasn't on leave.
- 16 A. It doesn't say that she was on leave. It says
- 17 that she was -- oh, I see what you're saying. It says,
- "...given the semester of leave." This is a -- yeah,
- it's a mistake. Sorry. That's the first time I've 19
- noticed it. To use the word "leave" in exchange for 20
- Modified Instructional Duty, the intent there, I 21
- interpreted that as a placeholder for Modified 22
- 23 Instructional Duty.

Instructional Duty."

level of the activity.

Department Chair.

point in time.

that name?

is from Chair Tewfik?

Q. From whom?

Q. Why?

you a pass on your performance?

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- Q. So you admit that you should have fixed that? 24
- 25 A. I admit that there's a mistake and we used the

1 word "leave" when we should have repeated "Modified

Q. Okay. Does Modified Instructional Duty give

A. It does not. Everything that you do on that

spreadsheet that we should consider only spring activity

A. The template spreadsheet comes to us from Jac

Erengil, who is the Executive Admin Associate from -- in

Q. So you're saying the instruction, you assume,

Chair Marculescu. We had a new Department Chair at this

THE WITNESS: I'm sorry. Marculescu.

Q. (BY MR. NOTZON) And would you have -- do you

THE REPORTER: I'm sorry. Can you repeat

the department. I assume it's coming to her from the

A. At this time this would have been

or we should kind of change the denominator at some

semester still counts, but this note was put in the

A. That's the instructions we were given.

- 1 view this as being accurate, that she, in fact, had less
  - production or, you know, less performance, justifying a
  - Meets Expectations in that year of '18-'19 than she had

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had before?

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- 5 MS. HILTON: Objection, form.
  - A. I agreed with this rating at the time. To
- actually answer your question, I would have to go back
- and review all of the input that went into this process.
- I wasn't one of the two reviewers of this, the two
- independent reviewers of this particular case.
- 11 Q. (BY MR. NOTZON) So how did you -- when you
- 12 say that you agreed with it, how did you agree with it
- if you didn't have the information to assess whether or
- 14 not it was accurate?
- 15 A. Oh, I had the information. I just didn't
- 16 study it in detail.
- 17 Q. Okay.
- 18 A. So when we generated the ratings, then we all
- looked over and kind of checked what the two deep divers
- did. And in this particular case that was Constantine
- and Michael.
- 22 Q. Okay.
- 23 MR. NOTZON: So this is Exhibit 17,
- 24 Debbie?
- 25 THE REPORTER: Yes.

- (Exhibit 17 marked.) 1
  - 2 THE WITNESS: Okav.
  - Q (BY MR. NOTZON) Okay. So on this one, this
  - is the other person assigned to review Dr. Nikolova; and
  - it says, "I submitted my rating and comments for Eddie."
  - But I don't see that. Do you know what they were?
  - A. They were placed directly in the box folder in
  - a shared -- I'm sorry -- a shared box folder in a
  - spreadsheet. I don't have those comments verbatim
  - 10 handv.
  - 11 Q. Okay. And so the process is that these
  - people, like, Constantine, had provided you the comments 12
  - in the e-mail. Did you then take them and put them in
  - the spreadsheet yourself or was that outside -- you 14
  - 15 know, he did it in the e-mail instead of in the
  - 16 spreadsheet or did he do it in both locations?
  - 17 A. In this particular case, I don't recall,
  - especially, since this was a late one; but we kept a
  - generic spreadsheet. And I would have used
  - Constantine's comments and Michael's comments to merge
  - and -- or we would have collaborated on that to generate
  - the overall comment that you see in the other
  - spreadsheet. Whether I also copied over Constantine's
  - into that other spreadsheet. I don't recall. The
  - process for this was that everyone was supposed to put

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- 1 their stuff in the shared spreadsheet; but because this
- 2 was kind of a lot of pressure because of the lateness of
- 3 it, the process shifted a little.
- Q. And I noticed from some of the communications
- that several people are late; is that right? 5
  - A. A very small number of people were late. I
- 7 think we received three late that time.
- Q. And was Dr. Nikolova at fault for that 8
- 9 lateness?
- 10 A. As far as I can tell, yes.
- 11 Q. Okay. Do you know any reason why she was
- 12 late?
- 13 A. No idea. We all received the same e-mails
- 14 from the Executive Admin Assistant. If we were late, we
- received reminders a couple of times. I think that's in
- 16 one of these e-mails. I don't know why. When Diana
- asked for it, we got it pretty quick after Diana finally
- 18 asked for it, the Department Chair.
- 19 Q. Okay. And did that affect her rating at all?
- 20 A. No.
- Q. Did you understand that Dr. Nikolova had some 21
- 22 issues with the language that's in Exhibit 15, Box 47 D?
- 23 A. I did not know that until this morning.
- 24 Q. Oh, okay. You never received any
- 25 communications about her complaining about that?

- 1 compilation of the data and there's three times that
- 2 Dr. Nikolova got Meets Expectations. Are you familiar
- 3 with whether or not those are the same years that she
- 4 was on Modified Instructional Duty for her three kids?
- A. I don't know.
- 6 Q. Okay. Were you on the committee on each of
- 7 those three years?
- A. The years at the top here are the years of
- activity or the years of the committee?
  - Q. The years that the evaluation applied.
  - A. Okay. Yeah, I was the Chair of the committee
- for the last two columns here and on the committee the
- column before that.
- 14 Q. Okay.
- 15 A. And that was the first time I'd been on the
- 16 committee, I think.
- 17 Q. And so from your perspective, those are the
- 18 accurate ratings that Dr. Nikolova received, without
- regard to her being on Modified Instructional Duty?
- A. I don't have any evidence right now to second
- 21 guess them.
- 22 Q. And the spreadsheet you were talking about
- that the reviewers would input the information into,
- that would turn into Exhibit 15; is that correct?
- 25 A. I think we used a separate spreadsheet, and we

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- A. As far as I know, no. 1
- 2 Q. Okay. I'm going to put up another exhibit.
- MR. NOTZON: So Exhibit 18. 3
- 4 (Exhibit 18 marked.)
- 5 A. Okay.
- 6 Q. (BY MR. NOTZON) So Dr. Nikolova writes to the
- Chair what she would propose the comments be because
- she's stating how strong her year had been, compared to
- the language that was in 47 D, that didn't comment at
- all about the strength of her year. She was saying it 10
- 11 was one of her stronger years, no?
- 12 A. That's what she says, yeah.
- 13 Q. Do you not agree that that looks to be like a
- 14 pretty strong year?
- 15 A. It looks to me like it meets expectations for
- 16 an ECE faculty member at the University of Texas at
- 17 Austin.

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- 18 Q. So even reading that language from
- 19 Dr. Nikolova, that doesn't change your opinion that she
- 20 should be a Meets Expectations?
- 21 A. It does not.
  - MR. NOTZON: Exhibit 19.
- 23 (Exhibit 19 marked.)
- 24 A. Okav.
- 25 Q (BY MR. NOTZON) So this is kind of a

- 1 moved things from one spreadsheet to another.
  - Q. Okay. And do you know if you produced that
  - other spreadsheet, that working spreadsheet?
  - A. I don't know.
    - Q. Okay.

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- 6 MR. NOTZON: Let's take a short break.
- 7 THE REPORTER: We're going off the record
- 8 at 3:19 p.m.
- 9 (Off the record from 3:19 to 3:29 p.m.)
- 10 THE REPORTER: We're back on the record
- 11 at 3:29 p.m.
- 12 Q (BY MR. NOTZON) Okay. I'm going to put up
- another exhibit. So this will be --
- 14 MR. NOTZON: What number are we on?
  - THE REPORTER: 20.
- 16 MR. NOTZON: 20. Okay. This will be
- 17 Exhibit 20.
- 18 (Exhibit 20 marked.)
- Q (BY MR. NOTZON) Ready? 19
- 20
- 21 Q. Okay. I'm not going to go over that right
- 22 now. I'm going to save that until the end.
- 23 A. Okay.
- 24 Q. We have this silly little thing we've got to
- 25 do.

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So let me go on and ask you -- I'm going

- to put up another exhibit that we are going to talk
- 3 about, and this is Exhibit 21.
- 4 (Exhibit 21 marked.)
- 5 A. Okay.

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- 6 Q (BY MR. NOTZON) Okay. So this is an
- 7 interchange between you and Andrea Thomaz?
  - A. Andrea Thomaz.
- 9 Q. Andrea Thomaz, is that a male or female?
- 10 A. Female.
- 11 Q. I didn't hear you.
- 12 A. Female.
- 13 Q. Okay. And you see this is discussion about
- 14 Dr. Nikolova; is that right?
- 15 A. Yeah, these are responses to the elephant-in-
- 16 the-room e-mail.
- Q. Okay. And we had mentioned -- I had asked you 17
- questions about who you interacted with, and you didn't 18
- mention this particular person. And I'm just wanting to 19
- know if this refreshes your recollection. 20
- 21 A. Yeah, I don't think we exhausted the list. I
- started listing them, and we kind of got distracted by 22

A. I definitely had Andrea on my mind at the time

A. Sure, sure, sure, So I said, Hao and Jean

5 Anne before. I talked to Suzanne Barber, who was my own

mentor. She is still working as a faculty member in the

department. I talked to Andrea. I talked to Andrea's

husband, Edison, I talked to Mohit Tiwari, And I'm

trying remember what I was listing before because I

professors. Andrea's not an assistant professor and

probably -- I also talked to Saniav Shakkottai about the

Q. Okay. And this is Andrea reaching out to you,

A. Yes. In fact, this is Andrea reaching out to

Q. Okay. And let's go ahead and talk about this

what you mean by it was handled badly on so many levels?

conversation that you had with her. Could you explain

19 me and then we had a back and forth and then we got

A. Yeah. I think that the biggest one that

sticks in my mind here is what we had already talked

think I had said I was reaching out to assistant

12 neither is Suzanne; but I think that's the people that I

issue. Sanjay was, I believe, one of Eddie's former

- 23 some other line of questioning. I didn't think that I
- 24 was done at the time.

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mentors, so.

together.

17 not vice versa, right?

25 Q. Okay. Are there others?

2 when we were talking before.

Q. Let's finish the list out, then.

- 1 about. I was really concerned about the impact on the
  - 2 other assistant professors, in particular the female
  - assistant professors. And so I thought that this
  - e-mail, having been sent to the department the way it

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- was, from Eddie to everyone, was going to have a
- significant negative impact. So that was one level.
  - I think another level was the one that
- Andrea mentioned. Andrea and I had kind of started
- serving as somewhat informal mentors for Eddie shortly
- before her promotion case went forward. Andrea
- expresses regret, that I think we share, that we hadn't
- 12 kind of done that sooner and more deeply.
- 13 And then I think the other big takeaway
- 14 is one that Eddie actually gets at in her e-mail is that
- 15 the Department itself wasn't having a conversation about
- the outcome of her promotion and tenure. We weren't 16
- having -- that wasn't shared with us. We weren't having a conversation. We weren't discussing kind of what it
- meant for us as a department, what it meant for our
- 20 junior faculty.
- 21 I think those are the big key things that
- 22 I recollect here.
- 23 Q. So when you say "has been handled badly on so
- many levels," it sounded like from your answer -- and
- 25 correct me if I'm wrong -- that you were criticizing

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- Dr. Nikolova's response to being denied tenure, instead
  - of the tenure promotion process?
  - A. Yeah, not just her response, but kind of
  - everybody's response to it. So kind of how the
  - Department handled it, how I hadn't dealt with it,
  - having known about it, and how Eddie dealt with it, as
  - well. That's the levels, right?
  - 8 Q. Okay. But I want to make sure we know what
  - the "it" is, which is the response to the denial from
  - the Dean or the whole -- or the denial from the Dean
  - 11 itself?
  - 12 A. It was the response. The way that we -- what
  - 13 I was referring to was the way we, as a department: I.
  - as an individual; Eddie, as an individual, had responded 14
  - 15 to that decision by the Dean.
  - 16 Q. And what are the "long, long stories"?
  - 17 A. I don't know. It could have been
  - conversations, but I think that -- I don't remember --
  - that Hao had stopped by my office, so stories related to

  - me to help with her rebuttal, I had known about this
  - already. So it could be a reference to that, but I

  - Q. And what about -- did you have conversations

- that. I don't know what the "long, long stories" refers
- to. I mean, like, I -- because Eddie had reached out to
- don't know what it was.
- 25

Appx.0464

Case 1:19-cv-00877-RP Document 38-2 Filed 09/21/21 Page 224 of 543 162 164 1 with Andrea about the petition? 1 letters from senior colleagues in her field were 2 MS. HILTON: Objection, form. 2 extremely strong, as well. And, you know, research is a 3 A. I don't recall. I recall very little about 3 big portion of tenure and promotion at Tier 1 research 4 the petition. 4 institutions. So that was very strong. 5 Q (BY MR. NOTZON) What about conversations with 5 Q. What about her exposure nationally and the other people that you've now named? 6 internationally? 7 A. So the other people I named, Andrea, Edison, 7 A. Yeah. I mean, to me, that's part and parcel; Mohit and Mohit's wife came over to my house for dinner but I should be explicit. Yeah, so her work with the 8 shortly after this e-mail; and we talked a little bit Simon's Workshops, which is all spoken to in the about this. But that conversation was including Edison letters; her publications in internationally-recognized 11 and Mohit, who were both assistant professors at that venues, these were all part of her kind of research and 12 time, so it would have been a careful conversation the strength of her research. 13 because -- to, you know, control for the impact of this 13 Q. Let's look back at Exhibit 19. 14 on them; and a lot of that was with our kids playing and 14 A. Which one is that? Sorry. 15 15 screaming in the background, probably. That's one Q. Oh, it's the little chart of Es and MEs. 16 conversation. 16 A. Okay. Annual Review Comparators, that one? 17 I think that the conversation with 17 Q. Yeah, technically, to describe it by its name. 18 Suzanne -- her office is right next to mine -- and we 18 Okay. So for 2016, do you know if -just kind of had a conversation about what happened, 19 Dr. Tiwari, when he got Exceeds Expectations, if he was what could we, as a department, have done different; praised for his highly competitive conferences; but what could we, as a department, you know, do to support there's no mention of Dr. Nikolova's in hers, and she 22 Eddie -- and by "different," I mean to support Eddie had three such papers at competitive conferences. 23 through this. I don't recall discussing the petition 23 A. I don't have the descriptions right in front with anybody. 24 24 of me. So I don't know what they say, so. 25 Q. At this point was there any discussion about 25 Q. Do you have that available to you as the 163 165 1 her complaints of gender or pregnancy discrimination? 1 corporate rep? Should we move to that? A. Well, it's in this e-mail that she sent to us. A. I do have that, yes. 3 So it's possible that that came up. I do not explicitly Q. Okay. Let's go ahead and look at that 4 recall speaking about that, even with the female 4 Exhibit 20, the one with the Deposition Notice and the 5 assistant professors. 5 corporate rep topics. 6 Q. Ever? 6 A. Okay. 7 A. I do not recall speaking about that with Q. That last page of the exhibit, are those what anyone other than this information from Eddie. I don't you understand to be the three topics that you're here recall that at all. 9 to testify about as Texas? 10 10 Q. You didn't talk about it as being one way or A. Yes, yes. 11 the other? You didn't, say, believe it, not believe it? Q. And, to the extent that we've asked any "It's improper allegations. You shouldn't have made the 12 questions about Dr. Nikolova's annual evaluation and any 12 13 allegations. I'm worried about the allegations," none of the other evaluation questions, would you adopt those of that? as being the same thing you would have said as UT? 14 15 A. I don't recall any conversations about the 15 A. Yes. 16 Q. Okay.

the other? You didn't, say, believe it, not believe it?

"It's improper allegations. You shouldn't have made the allegations. I'm worried about the allegations," none of that?

A. I don't recall any conversations about the allegation of sexual discrimination or gender discrimination or pregnancy discrimination.

Q. We went over earlier the reasons why you thought you were on the fence for Dr. Nikolova's tenure; and when we went over those things, we talked about the reason why you were on the fence from the negative side. What were the positive side of what you saw from Dr. Nikolova that you thought would have merited promotion?

A. Sure. Her research is really strong; and her

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MS. HILTON: Robert, real quick, are you
finished with the individual deposition; and you're
moving to 30(b)(6) now?

MR. NOTZON: Yes.

MS. HILTON: I just wanted to make sure
we're not jumping back and forth.

MR. NOTZON: Yeah, I hope not to. Okay?

MS. HILTON: Okay. Yeah.

MR. NOTZON: And I understand,

1 Ms. Hilton, that you're retaining objections to any

2 future concerns regarding this temporary fix, let's call

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4 MS. HILTON: Right. Yes, I think that's

5 accurate.

6 Q (BY MR. NOTZON) All right. So,

7 Professor Julien, when I'm asking you about -- you said

you had documentation available to you about the other

9 ratings for the other individuals?

A. Yes.

11 Q. And what is that?

12 A. So, I mean, I've collected the spreadsheets

13 with the ratings in them. I don't know what the process

here is. Am I supposed to open them up and share them 14

15 similarly?

16 Q. If you're going to review it to answer a

question, yeah, I'd like you to put it in the chat. 17

18 A. Okay. So you're asking the question

specifically about the comparison between Mohit and 19

Eddie for the 2016-2017 review; is that right? 20

21 Q. Let's see here. Let's do the '15-'16. That's

22 the one, I think, where he had a -- he was credited for

23 his highly competitive conference papers; but

Dr. Nikolova had three such papers and had not received

A. Okay. So I have the spreadsheet where those

THE WITNESS: So this file sharing is new

MR. NOTZON: If you have a PC, you can

to me. So let me see if I can not embarrass myself.

go through the clicking and browsing kind of thing.

drag and drop it into the chat; but for Macs you have to

THE WITNESS: Well, I'm obviously an

THE WITNESS: Did that work for you?

THE WITNESS: Okay. Excellent.

from the '15-'16 annual review process, so that I can

see Mohit's review on Line 54. It does say, "Papers at

Usenix Security. Strong funding including NSF CAREER."

highly competitive conferences including MICRO and

And then for Nikolova, I see, "Good

publication, teaching and student supervision, funding

A. So this is what I collected as the results

MR. NOTZON: I see it.

MR. NOTZON: Then you have the delays

2 ratings exist. Do you want me to share it with you

25 any credit for those or comments.

since I'm looking at it now?

Q. Sure.

A. Okay.

academic Mac user.

record, and service."

like I have.

Q. (BY MR. NOTZON) And so she's wondering what's

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going on; she had three highly competitive conference

papers that year.

A. Okay. Yeah, I mean, I guess the way I would

5 look at these reviews is that some of them mention

venues. In fact, I think the mention of venues on Mohit

seems to be the anomaly, not the other way around, so.

Q. And Dr. Nikolova had an NSF CAREER funding, as

9 well.

10 A. In that same period of review?

11 Q. Yeah.

12 A. It was received during 2015-'16?

Q. Oh, no. But she --13

14 A. Yeah. So it's important to note that faculty

15 annual reviews review exactly one year. It doesn't look

at what happened before or after. It's looking only at

things that happened between September of the academic

year and August of the summer following the academic

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Q. But the NSF CAREER funding, she's getting it 20

every year. So she would be continuing to get that

22 money, including this year, if she had had it from the

23 year before, right?

24 A. Yes, but the mention of it in Mohit's, I would

take to mean here that he was awarded it that year. I

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would expect that a similar note would appear in Eddie's

review from whatever year she received the CAREER award.

So we note the award of the new funding in the year that

it's awarded. The fact that she has the money and the

money is supporting her research program is part of the

good, you know, student support or whatever. "Funding

record" is what it says there.

8 Q. Right. It's just not -- this is the extent of

the information you have?

10 A. This is what I have. Yeah, this is what I

11 have. And then I have her CV that I could go back and

kind of try to recreate what this committee was, you

know, doing at the time. I know the process this 13

14 committee went through, but I didn't talk to the

15 individual members who reviewed each one of these people

and ask: What were you thinking? What went into this

line of the review? 17

18 Q. And you have this chart for each year?

19 A. Yes. I do.

Q. Okay. Could you go ahead and put up the

21 charts for the other years, as well, from the '16-'17,

'17-'18, '18-'19? Is that what you have?

23 A. Yes. So the '19-'20 reviews we're in the

process of doing right now. So we haven't completed

them yet.

170 172 1 Q. So just the ones you have completed. 1 A. Yeah, substantial, or whatever. 2 A. Do you want '14-'15, also? 2 Whatever you said before? 3 3 Yeah. 4 A. Like, how far back do you want me to go? 4 Does that mean -- is it your testimony that 5 5 research is the prime consideration in the research, Q. That's the extent. 6 A. Okay. teaching, and service? 7 Q. And then what we'll do is we'll put all of 7 A. I don't think the University -- I'm sorry. them together as one exhibit. This hat switching is -- so the University might not 8 9 characterize it that way. A. Okay. 9 10 MR. NOTZON: Is that okay with you, 10 I think, as faculty, we emphasize 11 Ms. Hilton? 11 research as the most important thing in a tenure and 12 MS. HILTON: Yes. 12 promotion package, with teaching being a pretty close 13 MR. NOTZON: Have you got that, second, so. 14 Ms. Cunningham? 14 Q. Okay. And service is a requirement --15 THE REPORTER: Yes. 15 A. Yeah. 16 THE WITNESS: Sorry. I could have 16 Q. -- to get all that done? thought about making it one single, but I did not. 17 A. Yes, but that's Christine. I'm sorry. 17 18 MR. NOTZON: Don't worry about it. 18 Q. Right. You are Professor Julien right now. 19 THE WITNESS: This is a lot of clicks, 19 Yeah. 20 20 Q. Thank you for taking off the other hat. too. 21 MR. NOTZON: Yeah. 21 All right. And then you had mentioned 22 THE WITNESS: All right. One more. 22 how you were talking with other individuals after the 23 (Exhibit 22 marked.) elephant-in-the-room e-mail and how you were discussing 24 MR. NOTZON: All right. Let's take a with people different ways to support Dr. Nikolova, and short break, like, just a couple of minutes, if you what did you do to support Dr. Nikolova as a result of 25 171 173 don't mind watching your screen. 1 those conversations? 2 MS. HILTON: Okay. A. Those conversations were more reflections on 3 THE REPORTER: We're going off the record how could we adjust our mentoring precesses, what could 4 at 3:51 p.m. we do. I didn't do anything actively to reach out to 5 (Off the record from 3:51 to 3:56 p.m.) Eddie after the fact. 6 THE REPORTER: We are back on the record 6 I think that the meetings with the ECE 7 women faculty may have started after that elephant-in-Q (BY MR. NOTZON) Okay. I have just a few the-room e-mail. I may be a little off on the timing 8 follow-up questions that are not corporate rep there. I know that just providing more community and support for women in the department is something we 10 questions. 11 MS. HILTON: Well, Robert, I think we had 11 wanted to emphasize. discussed before we had agreed that we wouldn't be doing 12 Q. Okay. And do you remember hearing from anyone 12 13 a bunch of hat switching. else what they were doing to support Dr. Nikolova, 14 MR. NOTZON: Right. This is a follow-up, 14 different than what you've just said you were doing? just a few follow-up questions; and then we're done. 15 A. Yeah. I mean, there were some e-mails that 15 16 MS. HILTON: Okay. colleagues sent to -- they just "replied all," right? 17 MR. NOTZON: We're not going to go back So I would see some comments that people made to 18 and forth. everyone. I don't remember the specifics. I'd have to 19 MS. HILTON: Okay. go back and look at the specific e-mails, who they were 20 MR. NOTZON: We're just going to go back. from and what she said; but I know there were some 21 MS. HILTON: Okay. 21 colleagues who did express support in that way. Q (BY MR. NOTZON) So, Professor Julien, you had 22 22 Q. That was going to be my question. Was what said recently, today, that research is a -- did you use 23 they expressed supportive of Dr. Nikolova? the word critical factor or important factor at a Tier 1 A. I think that everything that I read -- and 25 institute? 25 these were "reply alls" that included Eddie -- so I

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		,	Drofessor Iulian	170
1	think they were all supportive, as I recall.	1	Professor Julien.	
2	Q. You don't recall anybody coming out and	2	THE WITNESS: Sure.	
3	saying, "Ah," something not supportive?	3	THE REPORTER: Ms. Hilton, do you need a	
4	A. I don't recall anybody saying that on that	4	copy of the transcript?	
5	reply-all thread, no, or in any other context, so.	5	MS. HILTON: Yes, please.	
6	Q. And your own personal reaction, personal,	6	THE REPORTER: Thank you. This concludes	
7	professional, you, reaction to the elephant-in-the-room e-mail from Dr. Nikolova?	7	the deposition at 4:03 p.m.	
8		8	(Deposition concluded at 4:03 p.m.)	
9	A. I was sad.	9	ooOoo	
10	Q. Could you expound?	10		
11	A. That she found herself in the situation, that	11		
12	we as a department found ourselves in the situation. I	12		
13	mean, anybody can read from the e-mail that she was	13		
14	hurting; and it made me sad. It made me frustrated that	14		
15	she felt that way, yeah.	15		
16	Q. Did you feel that she was justified in her	16		
17	complaints of gender discrimination and/or pregnancy	17		
18	discrimination based upon the information she was	18		
19	conveying?	19		
20	A. I never once doubted that she was sincere in	20		
21	expressing how she felt and how she perceived the	21		
22	situation. I perceived it differently, but I never	22		
23	doubted her sincerity in that.	23		
24	Q. And what was the difference in how you	24		
25	perceived it?	25		
	175			177
1	175	1	CHANGES AND SIGNATURE	177
1	A. I did not believe that her case was handled	1 2	CHANGES AND SIGNATURE WITNESS NAME: DATE OF DEPOSITION:	177
2	A. I did not believe that her case was handled differently because she was a woman or because she had	2		177
3	A. I did not believe that her case was handled differently because she was a woman or because she had children.	2	WITNESS NAME: DATE OF DEPOSITION:	177
2 3 4	A. I did not believe that her case was handled differently because she was a woman or because she had children.     Q. Did you attempt to gather the information that	2 3 4 5	WITNESS NAME: DATE OF DEPOSITION: CHRISTINE JULIEN March 19, 2021 PAGE/LINE CHANGE REASON	177
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1	CHANGES AND SIGNATURE
2	WITNESS NAME: DATE OF DEPOSITION:
3	CHRISTINE JULIEN March 19, 2021
4	PAGE/LINE CHANGE REASON
5	Page 71 Line 4 - static to "statistics" - correcting typo
6	Page 71 Line 6 - static to "statistics" - correcting typo
7	Page 73 Line 1 - static to "statistics" - correcting typo
8	Page 73 Line 17 - dates to "data" - replacing incorrect word
9	Page 105 Line 7 - Ochman to "Ahmed" - misspelled name
LO	Page 128 Line 14 - "College Committee" - missing word
11	Page 133 Line 4 - hazing to "hazy" - correcting typo
12	Page 173 Line 3 - precesses to "processes" - misspelling
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1	I, CHRISTINE JULIEN, have read the
2	foregoing deposition and hereby affix my signature that
3	same is true and correct, except as noted herein.
4	DocuSigned by:
5	Christine Julien
6	CHRISTINE JULIEN
7	
8	THE STATE OF )
9	Before me, Laura Redd , on
10	this day personally appeared CHRISTINE JULIEN, known to
11	me (or proved to me under oath or through
12	) (description of identity card or other
13	document) to be the person whose name is subscribed to
14	the foregoing instrument and acknowledged to me that
15	they executed same for the purposes and consideration
16	therein expressed.
17	Given under my hand and seal of office on
18	this4th day of,,
19	Digital Certificate
20	Docusigned by: Laura Redd
21	FA7F8DB364F841A Notary Seal
22	NOTARY PUBLIC IN AND FOR LAURA REDD
23	THE STATE OF
24	My Commission Expires: 09/01/23 My Commission Expires 9/1/2023
25	Notary w/o bond

179 STATE OF TEXAS 1 2 REPORTER'S CERTIFICATION 3 I, DEBBIE D. CUNNINGHAM, CSR, hereby 4 certify that the witness was duly sworn and that this transcript is a true record of the testimony given by 5 the witness. 6 7 I further certify that I am neither counsel for, related to, nor employed by any of the 8 9 parties or attorneys in the action in which this 10 proceeding was taken. Further, I am not a relative or 11 employee of any attorney of record in this cause, nor am 12 I financially or otherwise interested in the outcome of 13 the action. 14 Subscribed and sworn to by me this day, 15 April 5, 2021. 16 17 18 19 Debbie D. Cunningham, CSK 20 Certified Shorthand Reporter CSR No. 2065 - Expires 6/30/21 21 INTEGRITY LEGAL SUPPORT SOLUTIONS P.O. Box 245 2.2 Manchaca, Texas 78652 www.integrity-texas.com 23 512-320-8690; FIRM # 528 24 25

## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

EVDOKIA NIKOLOVA \*

Plaintiff,

\*

v. \* CASE NO. 1:19-cv-00877-RP

\*

UNIVERSITY OF TEXAS AT

AUSTIN,

Defendant.

\*

ORAL VIDEOTAPED AND VIDEOCONFERENCED DEPOSITION

OF

EVDOKIA NIKOLOVA,

Tuesday, June 29, 2021

## ORAL VIDEOTAPED AND VIDEOCONFERENCED

DEPOSITION OF EVDOKIA NIKOLOVA, produced as a witness at the instance of the Defendant, and duly sworn, was taken in the above-styled and numbered cause on Tuesday, June 29, 2021, from 9:02 a.m. to 5:59 p.m., before Debbie D. Cunningham, CSR, in and for the State of Texas, reported remotely via Machine Shorthand, pursuant to the Federal Rules of Civil Procedure.

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5 Austin, Texas 78701	5 Exhibit 71 4/27/18 e-mail exchange between 21
(T) 512.474.7563	Evdokia Nikolova and Jimmy Horn
6 By: Robert Notzon, Esq.	6 Exhibit 13 Teaching Statement 36
7 Robert@NotzonLaw.com	7
8 AND	Exhibit 72 Family Medical Leave policy 43
9 CREWS LAW FIRM, P.C. 701 Brazos, Suite 900	8 Exhibit 73 Parental Leave policy 44
10 Austin, Texas 78701	9
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18 benjamin.dower.oag.texas.gov AND	18 Exhibit 79 9/20/19 Carmen Shockley letter 69
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(Tuesday, June 29, 2021, 9:06 a.m.)

2 PROCEEDINGS

3 Today is Tuesday, June 29, 2021. This is the

- 4 videoconferenced deposition of Evdokia Nikolova in the
- 5 matter of Nikolova versus UT.
- 6 Due to the COVID-19 Pandemic we are remotely
- 7 situated, and we are on the record at 9:06 a.m. Central
- 8 Standard Time.

1

- 9 My name is Debbie Cunningham, and my business
- 10 address is P.O. Box 245, Manchaca, Texas 78652.
- 11 Would all counsel present please introduce
- 12 themselves for the record, starting with Plaintiff's
- 13 counsel?
- 14 MR. SCHMIDT: Yes, I'm Robert or Bob
- 15 Schmidt; and I'm also here with Robert Notzon, for the
- 16 Plaintiff, Dr. Nikolova.
- 17 MR. DOWER: And Benjamin Dower, here with
- 18 my colleague, Amy Hilton, for the Defendant, the
- 19 University of Texas at Austin.
- 20 (Witness sworn by the reporter.)
- 21 MR. DOWER: All right. Before we get
- 22 started, the parties have a few stipulations that I will
- 23 just briefly read into the record. First, the parties
- 24 stipulate that this deposition may be taken remotely via
- 25 Zoom. The parties stipulate that "objection, form" is

- 1 we, obviously, have a court reporter here who's creating
  - 2 a transcript.
  - 3 So first, just a very few sort of tips
  - 4 and a few introductory remarks to make sure that we're
  - 5 on the same page. First, you understand that you're
  - 6 under oath here today?
  - 7 A. Yes.

8

- Q. And so that's the same oath as if we were in
- 9 court. Do you understand that?
- 10 A. Yes.
- 11 Q. Okay. And as part of the fact that we have a
- 12 stenographer who's writing down whatever anyone is
- 13 saying, which, for me will involve a lot of "okays"
- 14 because I tend to use that as a verbal tick after I get
- 15 an answer to every question; but what I'm trying to get
- 16 to is that because there's a court reporter creating a
- 17 transcript, it will be very important that we try not to
- 18 talk over each other. When -- when people are talking
- 19 simultaneously, it makes the court reporter's job really
- 20 difficult; and so we want to make sure that
- 21 Ms. Cunningham's job is as easy as possible. So I would
- 22 just ask that if I'm asking you a question, will you
- 23 please let me go ahead and finish the question, even if
- 24 you think you know what I'm about to say, just to avoid
- 25 muddying the record?

- 1 sufficient to preserve objections to the form of the
- 2 questions and will be used in lieu of the more specific
- 3 form-based objections. And, third, the parties
- 4 stipulate that all objections except as to the form of
- 5 question or answer are reserved until trial.
- 6 And, Bob, anything you'd like to add or
- 7 disagree with?
- 8 MR. SCHMIDT: No. You said it perfectly,
- 9 Mr. Dower. Thank you --
- 10 MR. DOWER: All right.
- 11 MR. SCHMIDT: -- Ben.
- 12 EVDOKIA NIKOLOVA,
- 13 having been duly sworn, testified as follows:
- 14 EXAMINATION
- 15 BY MR. DOWER:
- 16 Q All right. So Dr. Nikolova, before we get
- 17 started, have you ever been deposed before?
- 18 A. No.
- 19 Q. Okay. Well, you can relax. I promise that
- 20 it's not going to be as bad as whatever you're
- 21 imagining.
- 22 So a deposition is basically just a very
- 23 one-sided conversation where I'm going to be asking you
- 24 questions. It's sort of like an interview, with the
- 25 main difference being that you're under oath and that

1 A. Yes.

5

7

- Q. Okay. And, similarly, I will do my very best
- 3 never to cut you off or start speaking until you're
- 4 finished speaking.
  - Another part of this is that because
- 6 there's a transcript being created, answers need to be
- 7 verbal. So a head nod or a head shake won't show up in
- 8 a transcript. So if you're indicating, you know, an
- 9 affirmative response to something or a negative response
- 10 to something, go ahead and please use the word "yes" or
- 11 "no" to go ahead and give that response so it will show
- 12 up in the transcript. Can we have an agreement on that?
- 13 A. Yes.
- 14 Q. Perfect. And if you ever don't understand a
- 15 question I'm asking, I promise I'm not trying to trick
- 16 you. It's probably because I asked a confusing
- To you. It's probably because I asked a confidency
- 17 question; and so if I ever ask a question that you don't
- 18 understand, can we agree that you will, please, ask me19 to clarify it? I promise I won't take offense to it. I
- 20 just want to make sure that you understand all my
- 21 questions before you answer any of them.
- 22 A. Yes.
- 23 Q. Okay.
- A. And I just wanted to add that you broke up a
- 25 few times there and my computer says to me that my

1 internet connection is unstable; but let's -- let's 2 proceed, maybe.

3 Q. Well, I don't -- I mean, I'm concerned that I 4 don't want to get into substantive things.

5 MR. DOWER: Yeah, go ahead, Bob.

MR. SCHMIDT: I'm sorry to interrupt you,

but why don't we take a five-minute break? And I'll see

if there's another way to help make sure that her

9 internet is better.

10 MR. DOWER: Sure.

11 THE REPORTER: We're going off the record

12 at 9:12 a.m.

6

13

(Off the record from 9:12 to 9:20 a.m.)

14 THE REPORTER: We're going back on the

15 record at 9:20 a.m.

16 Q (BY MR. DOWER) Okay. So before we had the

technical issue, ironically, I think I was -- I was

getting your agreement that if you didn't understand a

question I was asking, that you would agree to tell me

so that I could try asking it a different way; and so do 20

21 we have that agreement?

22 A. Yes.

Q. Okay. And so if you -- if you do answer the 23

question, can I then assume that you understood it? 24

25 A. Yes. 1 A. Yes.

> 2 Q. Okay. And so without revealing the contents

3 of conversations with your attorneys, what did you do to

prepare today -- or for today?

A. I met with my attorneys. I reviewed my

e-mails, text messages, and documents related to my

7 tenure case.

Q. Okay. Can you tell me what -- what documents 8

9 you reviewed?

10 A. Let me try to remember the list. I reviewed

11 my two statements; the Dean's letter for my tenure case;

the Chair's letter for my tenure case; the Dean's letter

13 for one of the comparators, Dr. Mohit Tiwari; the

14 Chair's letter for one of the comparators, Dr. Mohit

Tiwari; the Complaint that I filed, the Complaint; the Interrogatories; the -- some of the other -- some other

documents that I had prepared, Modified Instructional

18

Duties, letters that I had submitted.

19 I'm blanking out on more. 20 Q. That's -- that's fine.

21 A. That's most of them, yeah.

22 Q. All right. You mentioned text messages. Do

you remember which text messages those were? 24 A. I reviewed text messages that I had between

myself and my former Department Chair, Dr. Ahmed Tewfik,

11

Q. Okay. And I don't -- I'm not trying to get

2 invasive with this question, but are you on any

medication that would affect your ability to -- to speak

4 truthfully here today?

A. No.

5

6 Q. Okay. I think the last sort of introductory

point is just that, you know, I think this is going to

be a fairly long conversation because there's a lot to

talk about. Breaks are not only expected but mandatory

10 because no one's going to be able to make it

11 uninterrupted through this whole thing.

12 So if you want to take a break at any

13 time, just let me know. The only thing I'll ask is if

14 there is a question pending, that you go ahead and

answer the question before we take the break; but 15

subject to that, you know, please just let me know and

17 we can take a bio break or whatever we need. Do you

18 understand that?

A. Yes. 19

20 Q. Okay. I want to start out just by asking a

21 few questions about what you did to prepare for today,

and I'll preface it with: I am not going to ask you

what you talked about with your attorneys. So please

don't disclose any of that. I'm not asking that. But

did you do anything to prepare for today's deposition?

1 and also between myself and my former mentor,

2 Professor Sanjay Shakkottai.

Q. And do you know whether all of those text

4 messages have been provided -- whether those text

messages have been provided to -- to us, I guess, UT's

attorneys, without disclosing any conversations with

7 your counsel?

8 A. So I provided them to my attorneys, and I

believe that the ones between myself and my Chair have

10 been provided by my attorneys to you. I'm not sure

11 about the ones between Professor Sanjay Shakkottai and

12 myself.

13 Q. Okay. And what were the -- the text messages

14 with Sanjay about?

15 A. They were -- it was the entire history that

16 I -- the entire text message history that I had with

him, from beginning to end. So anything, setting up

meetings; then, later, discussing -- mainly setting up

meetings. Yeah, I haven't really discussed major

content over text messages with -- with him.

21 Q. Did you ever discuss anything about your

22 tenure application?

23 A. Yes. So I believe one of the text messages

24 from Sanjay to me was right after the informal

department meeting when the Department voted on my case

13

- 1 before I started the official tenure process, when they
- 2 voted whether to give me the green light to go up or
- 3 not. And Sanjay Shakkottai had presented my case to the
- 4 Department; and after the meeting, he texted me that
- 5 there were no issues and that it went fine.
- Q. Okay. Did you have any text messages with him
- 7 about your concerns about either sex discrimination or
- 8 pregnancy discrimination?
- 9 A. I don't believe that I have any on texts. I
- 10 recall that I had one phone conversation that may have
- 11 sort of hinted at it, but I don't think we ever used the
- 12 word "discrimination" or anything like that.
- 13 Q. Okay. Do you remember when that --
- 14 (Simultaneous speakers.)
- 15 Q. Sorry.
- 16 A. I'm sorry.
- 17 Q. And that will happen, and don't worry about
- 18 it. We'll both just stumble over each other
- 19 apologizing. Not a big deal.
- 20 Do you remember when that conversation
- 21 occurred?
- A. Yeah, it was about one month after I'd given
- 23 birth to my second child, to my daughter,
  . An
- 24 Sanjay called me on the phone; and he said, "Oh, I'm
- 25 just calling to alert you that Ahmed has sent you an

- 1 Q. (BY MR. DOWER) So the way it will work is I
  - 2 will drag -- drop and drag the file into the chat; and
  - 3 so in your Zoom chat you should see a PDF that has just
  - 4 been sent to everyone. And then, if you click twice on
  - 5 it -- or maybe you have to hit those little ellipses in
  - 6 the top right corner -- it should prompt you to download 7 it.
  - 8 And what I would suggest -- and I don't
  - 9 want to micromanage your process -- but I would suggest
  - 10 creating some sort of folder, a temporary folder or
  - 11 something, to save all these PDFs that we may be
  - 12 referring to throughout today. That way, if we refer
  - 13 back to one that we looked at earlier, it will be easier
  - 14 for you to find. Obviously, you don't have to do that.
  - 15 I just -- it'll probably make it easier.
  - 16 A. Thank you. I've just hit download. Let me --
  - 17 let me look into organizing and creating a folder.
    - Q. Take your time.
  - 19 MR. SCHMIDT: Can we take a short break?
  - 20 I'm having some technical difficulties on my end.
  - 21 MR. DOWER: Sure.
    - THE REPORTER: We're going off the record
  - 23 at 9:30 a.m.

18

22

15

- 24 (Off the record from 9:30 to 9:35 a.m.)
- 25 THE REPORTER: We're going back on the

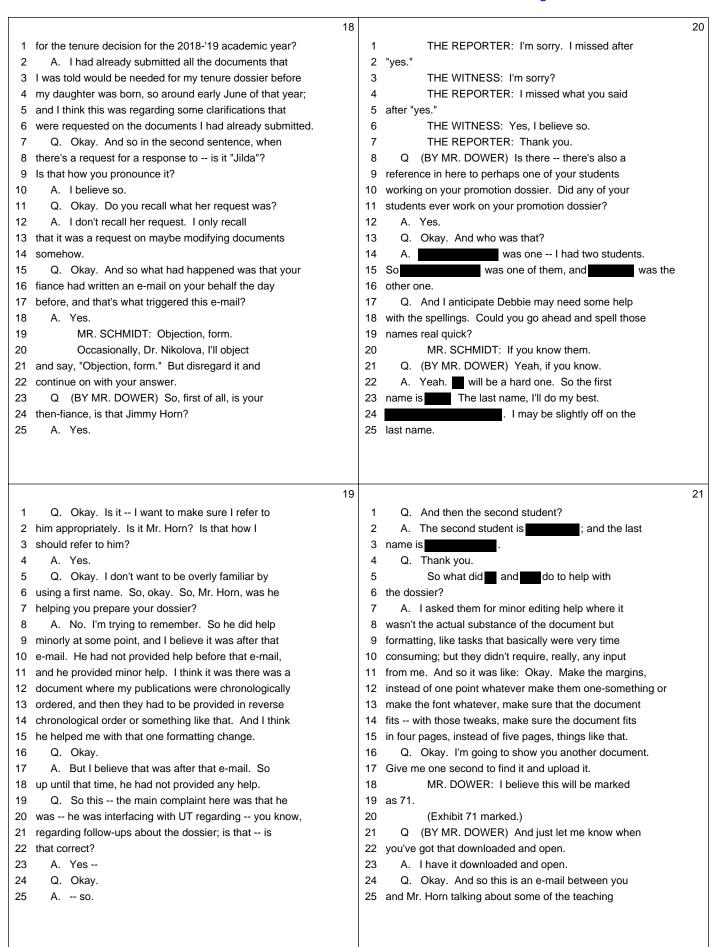
- 1 e-mail which is a little harsh."
- Q. Okay. And you said that was about a month
- 3 after you gave birth to your second child. So would
- 4 that have been around either late July or early August
- 5 of 2018?
- 6 A. That sounds right.
- 7 Q. Okay. And so in the conversation with him,
- 8 you mentioned -- or you mentioned -- I guess, what can
- 9 you tell me about that conversation? What do you
- 10 recall?
- 11 A. I think it was a very brief conversation,
- 12 mainly, with him because I didn't know the contents of
- 13 the e-mail; and Sanjay was mainly just kind of giving me
- 14 a warning sign because he knew my situation. And I
- 15 think he mainly was trying to be helpful, and so he just
- 16 was alerting to me that there is an e-mail that I -- he
- 17 felt was harsh --
- 18 Q. Okay.
- 19 A. -- so I'd sort of psychologically prepare for
- 20 that.
- 21 Q. And let me -- okay. This is getting a little
- 22 bit ahead of myself; but since we're talking about it --
- 23 this will also be our first dry run at uploading a
- 24 document as an exhibit.
- 25 (Exhibit 70 marked.)

- 1 record at 9:35 a.m.
  - Q (BY MR. DOWER) All right, Dr. Nikolova. So I
  - 3 just uploaded what's been marked as Exhibit 70, and
  - 4 would you agree with me that this is a few e-mails back
  - 5 and forth between you and Dr. Tewfik?
  - 6 A. Yes.
  - 7 Q. Okay. Do you recall, is this the e-mail
  - 8 exchange that you were referring to a minute ago where
  - 9 Sanjay called you to warn you there was an e-mail coming
  - 10 with a harsh tone?
  - 11 A. Yes.
  - 12 Q. Okay. Cool. And so in -- so first of all,
  - 13 the -- the first e-mail in the thread, which is the
  - 14 bottom one when you're looking at the document, is an
  - 15 e-mail on August -- or dated August 2nd, 2018; is that
  - 16 correct?
  - 17 A. Yes.
  - 18 Q. Okay. And so this is from Dr. Tewfik; and he
  - 19 says that, "It has come to my attention that you are
  - 20 having your fiance and perhaps one of your students work
  - 21 on your promotion dossier. This will have to stop
  - 22 immediately." Did I read that correctly?
  - 23 A. Yes.
  - Q. Okay. And so -- so at this time were you in
  - 25 the process of assembling your dossier for the tenure --

17

16

Appx.0476



1 statistics?

- 2 A. Yes.
- 3 Q. Okay. And this is dated April 27th, 2018?
- A. Yes.
- Q. Okay. And so -- there I go; I'm saying "okay"
- 6 as my filler word.
- 7 So is this an example of some of the ways
- in which he was contributing to your -- to the creation
- 9 of the dossier, running averages and things like that?
- 10 A. So this was before -- let me try to remember.
- 11 I believe it was before the department meeting that took
- 12 the vote on whether I should go up or not. So it was
- 13 before the formal preparation of the tenure document,
- 14 and I think this was Jimmy helped me with running
- 15 statistics for the presentation that Sanjay was supposed
- 16 to do for, I think, in front of the department.
- 17 Q. Okay. So he wasn't helping with -- with the
- 18 creation of the dossier, but he was helping with the
- 19 presentation to the -- to the Budget Council that
- 20 pre-dates the dossier assembly process?
- 21 MR. SCHMIDT: Objection, form.
- 22 A. No
- 23 Q. (BY MR. DOWER) No? Am I -- okay.
- 24 A. I wouldn't -- I wouldn't say he was helping
- 25 with the presentation. He was helping with collecting

- 1 A. Yes.
- 2 Q. Okay. And that was for your undergraduate
- 3 degrees, correct?
- 4 A. Yes. I also got a Master's Degree in the same
- 5 year.

8

- 6 Q. Okay. So that's the master's in computer
- 7 science and a BA in applied mathematics?
  - A. Yes
- 9 Q. So if you came to the States in '98, so then,
- 10 I guess, did you do high school in the United States?
- 11 A. No.
- 12 Q. No. Okay. Where did you, I guess, attend the
- 13 primary education that precedes undergrad?
- 14 A. I did most of it in Bulgaria, except for the
- 15 last two years, which I did in Canada.
- 16 Q. Okay. So when you -- when you went to
- 17 undergrad at Harvard University, was that the first time
- 18 that you lived in the United States?
- 19 A. No.
- 20 Q. Oh, no. Okay. When did you live in the
- 21 United States?
- 22 A. Oh, I'm sorry. Was your question about living
- 23 or entering the United States?
- 24 Q. I meant living -- living in the United States.
- 25 A. Then, yes, 1998 is when I first came to live
- 1 and analyzing information that I was to give Sanjay. I
- 2 had discussions with Sanjay multiple times before the
- 3 slides were prepared, which I helped prepare for
- 4 Sanjay's presentation to the department.
- 5 Q. Okay. So he was helping prepare information
- 6 to equip Sanjay for Sanjay's presentation to the
- 7 department?
- 8 MR. SCHMIDT: Objection, form.
- 9 A. I wouldn't say that. He was -- he was helping
- 10 me with information that I felt I needed to relay to
- 11 Sanjay, whether -- Sanjay ended up not using any of that
- 12 information for the presentation and we had a little
- 13 back and forth about what teaching average would be
- 14 useful for that presentation and he ended up not using
- 15 any of that information.
- 16 Q. (BY MR. DOWER) All right. I think we can
- 17 close this one for now.
- 18 Let's go ahead and take a step back and
- 19 just start with some really basic stuff, just sort of
- 20 about your background. Where were you born?
- 21 A. I was born in Sofia, Bulgaria.
- 22 Q. And when did you come to the United States?
- 23 A. I came to the United States in 1998.
- 24 Q. So I guess you graduated from Harvard
- 25 University in 2002; is that correct?

- 1 in the United States; but prior to that, I had come to
  - 2 visit one time.
  - 3 Q. All right. So then after you got your
  - 4 undergraduate degrees from -- oh, well, I shouldn't say
  - 5 undergraduate. After you got those two degrees from
  - 6 Harvard, then you went to Cambridge University; is that
  - 7 correct?

23

- 8 A. Yes.
- 9 Q. And that's where you got the Master's in
- 10 mathematics, from Cambridge?
- 11 A. Yes.
- 12 Q. And then you went to MIT for your Ph.D.,
- 13 correct?
- 14 A. Yes.
- 15 Q. And did you get your Ph.D. in 2009?
- 16 A. Yes.
- 17 Q. And then you did -- you also did your
- 18 postdoctoral associate at MIT; is that -- or you were a
- 19 postdoctoral associate at MIT, correct?
- 20 A. Yes
- 21 Q. And can you tell me, what is -- what exactly
- 22 is a postdoctoral associate?
- 23 A. It's an intermediate position between Ph.D.
- 24 and the faculty position, which is now becoming more and
- 25 more standard; but it is more prevalent in some fields

25

- 1 than others. Some fields have -- like, physics or
- 2 biology have a very long time period where it's normal
- 3 to go one full doc, a second full doc, a third full doc,
- 4 and so on. Other fields, you can jump from Ph.D.
- 5 straight into a faculty position. Computer Science was
- 6 getting into more -- it was becoming more standard to do
- 7 post-docs. So it's basically an intermediary position
- 8 where you are -- depending on the full doc, where you
- 9 are either only research or a combination of research
- 10 and teaching as you prepare for a faculty position.
- 11 Q. And were you doing pure research, or were you
- 12 doing the teaching and research when you were a
- 13 postdoctoral associate?
- 14 A. I was doing pure research.
- 15 Q. And so then you became an assistant professor
- 16 at A&M in 2011?
- 17 A. Yes.
- 18 Q. So how did you end up from the postdoctoral
- 19 associate at MIT to A&M?
- 20 A. I submitted an application to the academic job
- 21 market, which have a standard deadline around December
- 22 of the prior academic year. I looked up ads for open
- 23 positions. I applied broadly in the U.S. and Europe. I
- 24 was invited to interview. I interviewed at several
- 25 universities. I received an offer from Texas A&M, and I

1 Q. Okay. And then you joined UT Austin in

28

29

- 2 January 2014, also as an assistant professor?
  - 3 A. Yes.
- 4 Q. Okay. And you're still at UT Austin as an
- 5 assistant professor as of the date that we're taking
- 6 this deposition?
- 7 A. Yes.
- 8 Q. Okay. I'm going to switch gears here a little
- 9 bit and I want to talk briefly about your family and I
- 10 realize that is somewhat of a personal topic. And I'm
- 11 not trying to be overly invasive; but, of course, since
- 12 this is a pregnancy discrimination case, the nature of
- 3 some of these allegations sort of require me to ask some
- 14 questions about your family situation. And so I just
- 15 want to put that up front that I'm asking about family
- 16 stuff.

27

- 17 So, first of all, we already covered --
- 18 so you're married to Mr. Jimmy Horn. When -- when did
- 19 you meet Mr. Horn?
- 20 A. I met him in September 2014 -- well, I met him
- 21 in person then. I met him through online dating. So
- 22 online we met. I think we first exchanged messages in
- 23 the late spring of 2014; and then we ended up meeting
- 24 for the first time, I think, around September.
- 25 Q. I will just share that I, too, have shared the

- 1 accepted the offer.
- Q. And why did you choose A&M? Were they the
- 3 first one to give you an offer; or was there something
- 4 particularly special about them that attracted you, just
- 5 like why A&M?
- 6 A. So at the time I had one -- I had also applied
- 7 for a second post doc because one never knows with the
- 8 academic job market, many people end up not having any
- 9 interviews or not any offers. I had -- this was my
- 10 only offer for a faculty position. I also had an offer
- 11 for a post doc and I was weighing the two and I
- 12 decided -- many people sometimes will -- well, not many.
- 13 Some people sometimes will choose to take a post doc if
- 14 they believe that they can, you know, then get an offer
- 15 for a place they like better.
- 16 I was weighing the two, and I ultimately
- 17 decided that there were things that I liked about Texas
- 18 A&M. There was a sense of community that I had felt
- 19 there; and even though it was quite far from what I knew
- 20 and from home and from all my friends, but I decided
- 21 that the sense of community and support I had felt was
- 22 strong enough for me to accept the offer.
- 23 Q. So then you were at A&M from 2011 to 20- --
- 24 well, I guess -- was it the end of 2013?
- 25 A. Correct.

1 joys and not-so-much joys of online dating. Which app

- 2 are you using if you don't mind me asking?
- 3 A. At that time I believe we met on Ok-Cupid. I
- 4 had tried several different platforms.
- Q. Yeah. Okay. I have too used Ok-Cupid, but I
- 6 should probably stop on sharing things like that.
- 7 Okay. Well, actually, this could turn
- 8 into a great ad since it obviously worked?
- 9 So you met through Ok-Cupid and there
- 10 was -- you got -- you started the dialogue in September
- 11 2014, and you said you actually met in person in
- 12 December of 2014?
- 13 MR. SCHMIDT: Objection, form.
- 14 A. We met in person -- no. We started a dialogue
- 15 in late spring of 2014 --
- 16 Q. (BY MR. DOWER) Oh.
  - A. -- and we met in person around September --
- 18 Q. Oh, okay. I apologize.
- 19 A. -- 2014.

17

- 20 Q. I apologize. I got that wrong.
- 21 And then you got married in January 2019;
- 22 is that correct?
- 23 A. Yes.
- 24 Q. Belated congratulations. And you have --
- 25 A. Thank you.

Appx.0479

1 Q. -- three children together?

- 2 A. Yes.
- 3 Q. And so what is -- well, can you just name your
- 4 kids for me?
- 5 A. Our first one is a boy. His name is
- 6 Our second one is a girl. Her name is . And our
- 7 third one is a boy. His name is , and we call
- 8 him
- 9 Q. Here's the real test: What is
- 10 birthday -- or birth date, you know, with the year?
- 11 A. March 10 of 2016.
- 12 Q. And ?
- 13 A.
- 14 Q. yes. I apologize.
- 15 A. June 13 of 2018.
- 16 Q. June 13, one three?
- 17 A. Yes.
- 18 Q. Okay. Just making sure I heard you correctly.
- 19 And then ?
- 20 A. September 17 of 2019.
- 21 Q. And I have to apologize in advance for this
- 22 next question. I'm not trying to be invasive, but have
- 23 you had any other pregnancies since you've applied to
- 24 the job at UT other than those three?
- 25 A. No.

- 1 A. And maybe I just didn't look for them at the
  - 2 time because I was specifically looking for tango and
  - 3 salsa. I have gone country dancing in Austin a few
  - 4 times.

6

- 5 Q. Where do you go if you don't mind me asking?
  - A. For which of the dancing?
- 7 Q. Oh, that's fair. Let's stick with country
- 8 real quick
- 9 A. For country, I went a couple of times to The
- 10 Broken Spoke.
- 11 MR. SCHMIDT: Time to --
- 12 MR. DOWER: I knew --
- 13 (Simultaneous speakers.)
- 14 Q. (BY MR. DOWER) I knew you were going to say
- 15 that. Okay. While we're on the record, I won't ask --
- 16 or tell you why; but we -- anyway, okay. So the Broken
- 17 Spoke. Okay.
- 18 So, I mean, you ended up marrying
- 19 Mr. Horn. How did you -- or did you keep up the
- 20 dialogue with him after -- I guess while you were at
- 21 A&M?

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- 22 A. Yes, let me -- no, wait. I met him online
- 23 when I was already at UT Austin.
- 24 Q. Oh, you met him after you came to UT Austin.
- 25 Okay. Sorry. I got my chronology wrong. Okay.

- 1 Q. Okay. I'm going to switch again a little bit
- 2 and kind of go back to your career trajectory. Why did
- 3 you decide to leave Texas A&M and come to UT Austin?
- A. It was really the personal aspect. I was
- 5 single when I was at Texas A&M; and it is a relatively
- 6 small town where the social life is essentially much
- 7 more, you know, in the form of getting together with
- 8 colleagues at the university that's mostly your friends.9 And it was a tight-knit community that I enjoyed, but I
- 10 wasn't lucky finding a husband in that community. And I
- 11 also really enjoyed -- outside of work, I enjoyed
- 12 various hobbies, like dancing; and there wasn't much of
- 13 dancing in College Station. There was very nice dancing
- 14 in Austin I discovered.
- 15 Q. What kind of dancing?
- 16 A. I do -- I enjoy the most Argentine Tango and
- 17 Salsa.
- 18 Q. I imagine -- and I don't want to stereotype
- 19 A&M -- but I imagine they've got a pretty good, like,
- 20 country dancing scene at A&M; but maybe -- so maybe --
- 21 or am I wrong? Or is that just not your interest?
- 22 A. I am very broadly interested in dance and I
- 23 have gone country dancing, but I don't recall
- 24 discovering any country dance venues at A&M.
- 25 Q. Okay.

- 1 Okay. Any other reasons why you decided
  - 2 to leave A&M?
  - A. So I had -- also, UT is, you know, higher end
  - 4 in the department that I am. And I was able to attract
  - 5 better students, and Ph.D. students are critical to my
  - 6 career. At A&M I was having a hard time finding
  - 7 students that had enough theoretical background for my
  - 8 research. So they were really outstanding students, but
  - 9 they tended to be more in the applied areas. And I
  - 10 tried there. It just didn't work out with students
  - 11 there.

15

- 12 Q. So how did --
- 13 A. Let me say there was a bonus. I'm sorry.
- 14 Q. Oh, no. Don't apologize. It's fine.
  - How did you end up getting recruited, or
- 16 how did you end up at UT Austin specifically?
- 17 A. I was invited to apply to the ECE Department
- 18 at UT Austin by Professor Constantine Caramanis.
- 19 Q. And did Dr. Caramanis -- excuse me -- contact
- 20 you out of the blue, or how did he reach out to you?
- 21 A. He must have -- I believe he wrote me an
  - e-mail. We had known each other, not -- not closely;
- 23 but we had known each other while we were Ph.D. students
- 24 at MIT. And when I went to Texas A&M, I guess I
- 5 remembered that he was somebody at UT Austin nearby. I

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1 invited him to give a talk at Texas A&M, just out of

- 2 collegiality and sort of trying to build a local
- 3 community, a local research community. And that was
- 4 sometime after I joined A&M; I don't remember the year.
- 5 And then at some point he wrote me an
- 6 e-mail and he said -- we had conversations about how,
- 7 you know, he found Austin very fun; and he enjoyed it.
- 8 And he probably saw in me that I had a desire to move to
- 9 Austin since I was visiting it quite often for dancing.
- 10 And at some point he e-mailed me sort of out of the blue
- 11 saying, "Oh, we have a position which I think you would
- 12 be a great candidate. Would you like to apply?"
- 13 Q. And so then you submitted your application
- 14 materials through -- how did you submit the application?
- 15 A. He -- I don't recall if I e-mailed him
- 16 documents or if I submitted them online somewhere at the
- 17 UT website. I don't recall. So basically I submitted
- 18 whatever the standard documents were.
- 19 Q. And did you go through interviews as part of
- 20 that process?
- 21 A. Yes. I went through the full standard
- 22 process, which was, first, they contacted -- after
- 23 submitting my documents, somebody from the UT hiring
- 24 committee e-mailed me to invite me for a Skype call,
- 25 which was, I guess, about a half-hour call for people on

- 1 this is a plus for you since you can still go up at your
  - 2 normal time that began -- started at Texas A&M; but if
  - 3 you need more time for whatever reason, it gives you
  - 4 more flexibility."
  - 5 Q. Okay. So was that -- was that indicated -- so
  - 6 he's the Chair of the ECE Department at the time?
  - 7 A. Yes.
  - 8 Q. And so was -- was he indicating that the ECE
  - 9 Department would be supportive of putting you up for
  - 10 tenure at the five-year mark?
  - 11 A. Yes.
  - 12 (Exhibit 13 discussed.)
  - 13 Q. (BY MR. DOWER) Okay. Let me show you a
  - 14 document that I believe has been previously marked as
  - 15 Exhibit 13. So you can -- there's an exhibit stamp on
  - 16 this already. You can basically ignore that. We're
  - 17 trying to avoid duplicate numbering.
  - Were you able to open Exhibit 13?
  - 19 A. I just opened it. Let me just make sure to
  - 20 save it in the right place.
  - 21 Okay. I have it saved, and I have it
  - 22 open.

35

- 23 Q. Is this the teaching statement you submitted
- 24 with the tenure dossier?
- 25 A. I believe it is. The reason I say I believe

- 1 their short list. And after -- sometime after those
- 2 Skype calls, somebody contacted me to invite me for a
- 3 full-length interview, which was in person at UT for, I
- 4 think, two days in a row.
- 5 Q. And is that when you -- or I guess I should
- 6 ask it this way: When did you first meet Ahmed Tewfik?
- 7 A. I believe we met him first during my full
- 8 interview, in-person interview at UT Austin, which would
- 9 have been, I believe, around April of 2013.
- 10 Q. And I appreciate that one of the issues in
- 11 this case is about -- about how your time at A&M would
- 12 be considered or not considered at -- at UT; and then as
- 13 part of that, that -- that Dr. Tewfik made some comments
- 14 to you about how your time at A&M would be considered.15 Do you remember having a conversation with him about how
- 15 Do you remember having a conversation with him about now
- 16 your time at A&M would be considered?
- 17 A. Yes. I don't recall the exact words of the
- 18 conversation. The gist of it was that my -- that I
- 19 would be able to go up at UT Austin on my normal tenure
- 20 time clock that began at Texas A&M. And he specifically
- 21 told me -- in fact, I don't think I even asked then; but
- 22 he specifically told me that the standard offer,
- 23 five-year offer, meaning that one would be evaluated
- 24 after five years at UT. And he said, "We do that for
- 25 everyone whether or not you have prior experience, but

- 1 it is, because I had many versions with one-word changes
  - 2 here and there. Without reading and comparing word for
  - 3 word, I cannot be one hundred percent sure; but, yes, I
  - 4 have no reservations that it is.
  - Q. That is completely fair. Really, what I want
  - 6 to do is just direct you to page 5 and Table 2 because
  - 7 I want to go through your -- your time at UT and, you
  - 8 know, when you were teaching, when you weren't teaching;
  - 9 and this seemed like a really nice visual to just sort
  - 10 of help speed up that conversation. So are you -- can
  - 11 you see on page 5 of the PDF the Table 2, Course
  - 12 Schedule by Semester?
  - 13 A. Yes.
  - 14 Q. Okay. And so I just kind of want to run
  - 5 through briefly your time at UT and when you were
  - 16 teaching. So this shows the Spring of 2014. That was
  - 17 the first semester you were at UT Austin, correct?
  - 18 A. Correct.

19

- And may I just -- I apologize. May I
- 20 just request a break, maybe in the next ten minutes or
- 21 so? I feel I'm getting a little tired and losing focus.
- 22 So whenever you find it appropriate in the next ten
- 23 minutes or so.
- 24 Q. Perfect. We can definitely do that.
- 25 Okay. So Spring 2014 you were teaching a

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1 Game Theory course?

- A. Yes.
- 3 Q. Is that a graduate course or an undergraduate
- 4 course?
- 5 A. It's a graduate course.
- 6 Q. Is there -- is there any way to tell which is
- 7 just by looking at it? Like, what -- does the "V"
- 8 versus "C" signal something or --
- 9 A. At some point I had asked that from UT because
- 10 every university had its own numbering and I believe
- 11 there is a way to tell from the numbers; but I forget
- 12 the exact, you know, answer now. It has to do, I
- 13 believe, with -- you know, it's 381 versus 360. So I
- 14 believe the second digit is the higher -- when it's
- 15 higher, it indicates a graduate course; and when it's a
- 16 6, it indicates an upper level -- undergraduate.
- 17 Basically the lower the number, the lower for the course
- 18 in the -- yeah, in the year that it is.
- 19 Q. I appreciate that.
- 20 A. Yeah.
- 21 Q. Perfect. Okay. So then in Fall 2014, you
- 22 were teaching Algorithms?
- 23 A. Yes.
- 24 Q. And I take it from your testimony a second ago
- 25 that that's an undergraduate class?

- 1 teaching undergraduate Algorithms?
  - 2 A. Yes.
  - 3 Q. And then Spring 2017 you're teaching a
  - 4 graduate-level Advanced Algorithms?
  - 5 A. Yes.

6

- Q. And then Fall of 2017 you were teaching two
- 7 classes of undergraduate Algorithms, correct?
  - A. Yes
- 9 Q. And then Spring of 2017 [sic] you were not
- 10 teaching that semester, correct?
- 11 A. Yes.
- 12 Q. That was when you were at the Simons Institute
- 13 again; is that correct?
- 14 A. Yes.
- 15 Q. And then Fall of 2018, which goes outside this
- 16 chart, but it's my understanding that you were on
- 17 Modified Instructional Duty in Fall 2018, correct?
- 18 A. Let me remember because there was a -- yes,
- 19 Fall of 2018 I was -- let me -- excuse me. Excuse me
- 20 for moment. I want to get the timing right in my head.
- 21 Fall of 2018 was after my daughter, was born.
- 22 So, yes, that's when I was on Modified Instructional
- 23 Duty for her birth. Yes.
- 24 Q. And then it's my understanding that in Spring
- 25 2019, you were teaching again?

1 A. Yes.

- 2 Q. Okay. And so then in Spring 2015 you were
- 3 teaching Advanced Algorithms?
- 4 A. Yes.
- 5 Q. And that would have been a graduate-level
- 6 class, I take it?
- 7 A. Yes.
- 8 Q. And so Fall 2015 it says, "On teaching
- 9 relief." So I take it -- am I correct in saying, then,
- 10 that you were not teaching students at that time?
- 11 A. Yes.
- 12 Q. Okay. And that would have been when you were
- 13 at the Simons Institute; is that correct?
- 14 A. Yes.
- 15 Q. Okay. And so then Spring 2016 you weren't
- 16 teaching that semester; is that correct?
- 17 A. Yes.
- 18 Q. And that was when you were on Modified
- 19 Instructional Duty?
- 20 A. Yes.
- 21 Q. I'm sorry. Was that a "yes"? I just couldn't
- 22 hear.
- 23 A. Yes.
- 24 Q. Okay. Sorry.
- 25 Okay. And so then Fall 2016 you're

1 A. Yeah.

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- Q. Okay. And then in Fall 2019 you were on sick
- 3 leave/leave without pay; is that accurate?
- 4 A. Yes.
- 5 Q. Okay. And so you were not teaching in the
- 6 Fall of 2019, correct?
- 7 A. Yes.
- 8 Q. And then Spring 2020 you were on modified
- 9 instructional duty that -- in the spring?
- 10 A. Yes.
- 11 Q. Okay. So you weren't teaching in Spring of
- 12 2020, correct?
- 13 A. Correct.
- 14 Q. And then in Fall of 2020 this, I guess, the
- 15 most -- well, actually, I guess it's not most recent
- 16 because it's June now. So strike that.
- 17 So Fall of 2020 you were teaching the
- 18 undergraduate Algorithms class?
- 19 A. Yes.
- 20 Q. And then this semester that just ended, you
- 21 were on sick leave/leave without pay; is that correct?
- 22 A. Yes
- 23 Q. And so no teaching this semester?
- 24 A. Yes.
- 25 MR. DOWER: Okay. We can take that break

42 44 1 now. 1 employee's child as one of the things that might make 2 THE REPORTER: We're going off the record 2 FML available. Do you see that? 3 at 10:16 a.m. 3 A. Yes. 4 (Off the record from 10:16 to 10:31 a.m.) 4 Q. And under Scope there's a requirement about 5 THE REPORTER: We're going back on the 5 how long you're -- you have to be employed by the State 6 of Texas before you're eligible for the Family and 7 Q (BY MR. DOWER) Okay. Dr. Nikolova, this 7 Medical Leave Act. Do you see that? 8 A. Yes. next sort of part of our conversation is -- is about 9 Q. Okay. And so with that, I just very briefly 9 sort of the various options that an assistant professor want to reference the Parental Leave policy, which I 10 has if -- if they become pregnant and they're sort of believe will be marked as Exhibit 73. 11 weighing their options; and so that's sort of the lead-12 in to what we're going to be talking about next. 12 (Exhibit 73 marked.) 13 Q (BY MR. DOWER) Do you have that one open in 13 So -- so the three policies I just 14 uploaded are the Modified Instructional Duties policy, 14 front of you? 15 the Family Medical Leave policy, and the Parental Leave A. Yes. policy. Were you able to -- to download those three 16 Q. And so do you see under Applicability that for 17 policies? 17 the Parental Leave policy, it's eligible employees with 18 A. Yes. 18 less than 12 months of state service or less than 1,250 19 Q. So let's start with the Family and Medical 19 hours of work; and it keeps going from there. Do you 20 see that? 20 Leave policy, 5-4310. 21 21 MR. NOTZON: Mr. Dower, could you A. Yes. 22 identify if you've marked these as Exhibits? 22 Q. And so if you look at the FML policy, the 23 MR. DOWER: I mean, I intend them to be 23 Family Medical Leave policy we were just looking at, and 24 exhibits; but I don't know what order -- so when you 24 you look at the scope of that one and you compare it to upload three things at once, I don't know which order 25 the scope of the Parental Leave, it looks like these are 43 45 they're numbered. 1 sort of mutually exclusive, that the Parental Leave is 2 MR. NOTZON: Okay. 2 for people with less than the time; and the Family 3 MR. DOWER: So I guess if we took it in 3 Medical Leave is for people that have more than a order of -- the order of uploading, we would be looking 4 certain amount of time of state service. Do you agree at -- I think Modified Instructional Duty would be -- I 5 with that? 6 think that would be 72. 6 A. It looks that way. I need to carefully read 7 THE REPORTER: Mr. Dower, if I may, it every word, but it looks that way from superficial would make more sense if you mark them in the order that glancing at it. 8 you're going to talk about them. Q. And so do you understand that these policies, MR. DOWER: Oh, okay. Well, I aim to though, are to take off -- to take leave? In other 10 11 make things easier. So if we're going to do it that words, if you're taking one of these two leaves for way, then since I'm starting with the Family Medical birth and care of a child, you're not working. Is that 12 13 Leave policy, we'll make that Exhibit 72. 13 your understanding? 14 14 Thank you, Debbie. A. Yes. 15 THE REPORTER: Thank you. 15 (Exhibit 74 marked.) 16 (Exhibit 72 marked.) Q. (BY MR. DOWER) And so then switching to Q (BY MR. DOWER) Okay. So the -- so do you 17 Exhibit 60- -- or, excuse me -- 74, which is the 17 18 have that policy open, Dr. Nikolova? Modified Instructional Leave policy -- Modified --19 A. Yes. excuse me; I just butchered that -- the Modified 20 Q. Okay. So one of the things that could qualify Instructional Duties policy, do you have that in front 21 someone to take Family and Medical Leave would be birth 21 of you? or care of an employee's child; is that correct? 22 A. Yes. 23 A. Yes. Q. Okay. So when you're doing Modified 24 Q. And I'm looking here, you know, under 24 Instructional Duties, you're -- well, let me just direct Qualified Purposes. It lists birth and care of the 25 you to the policy statement, actually. So it says, "It

1 is the policy of The University of Texas at Austin to

- 2 modify the classroom instructional responsibilities of
- 3 faculty members and allow for equivalent academic
- 4 service when certain personal circumstances prevent them
- 5 from being able to perform their classroom teaching
- 6 duties, and when such modifications are found to be in
- 7 the best interest of the University's instructional
- 8 programs." Did I read that correctly?
- 9 A. Yes.
- 10 Q. Okay. So -- so is it your understanding
- 11 then that when you're on Modified Instructional Duties,
- 12 it's -- you're not on leave; you're still, you know, an
- 13 active employee. It's just that the classroom
- 14 instructional responsibilities have been modified to
- 15 allow for some equivalent, but instead of the classroom
- 16 instructional responsibilities. Is that your
- 17 understanding as well?
- 18 A. Yes.
- 19 Q. Okay. And so when we scroll down to
- 20 Eligibility Requirements, which is Subsection D, it says
- 21 that, "Faculty members who may apply for modified
- 22 instructional responsibilities are those who are a
- 23 principal caregiver of a healthy preschool child (or
- 24 children), or who are required to care for or assist a
- 25 member or members of their immediately family, who

- 1 the Office of the Executive Vice President and Provost
  - 2 for final review?
  - A. Yes, I believe so.
  - 4 Q. And so let me go ahead and upload another
  - 5 exhibit.

6

- MR. DOWER: I believe this is Exhibit 75.
- 7 (Exhibit 75 marked.)
- 8 A. I have it open. Let me save it.
- 9 Q (BY MR. DOWER) Yeah, go ahead. It's four
- 10 pages, so go ahead and take a moment to look through it.
- 11 A. (Witness silently reading document.)
- 12 Q. And let me know when you're -- you're ready.
- 13 A. Okay. I looked through it.
- 14 Q. Okay. So the first page is -- or the first
- 15 two pages are dated October 8th of 2015; is that
- 16 correct?
- 17 A. Yes.
- 18 Q. And this is your memorandum for modified duty
- 19 during Spring of 2016, correct?
- 20 A. Yes.
- 21 Q. Okay. And so this says that you're expecting
- 22 a baby on March 17th, 2016 and that you'd like to have
- 23 Modified Instructional Duty in the Spring 2016 semester,
- 24 correct?

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25 A. Yes.

1 although not ill or disabled, needs the help and

- 2 attention of the faculty member." Did I read that
- 3 correctly?
- 4 A. Yes.
- 5 Q. Okay. So -- so effectively then, this policy
- 6 allows an employee to reduce their teaching
- 7 responsibilities and replace it with some equivalent so
- 3 that they can -- they're able to care for a preschool-
- 9 aged child or maybe someone who needs the help who's a
- 10 family member. Is that a fair summary?
- 11 MR. SCHMIDT: Objection, form.
- 12 A. Yes
- 13 Q (BY MR. DOWER) And so the process is that the
- 14 faculty member submits a written request. That sort of
- 15 initializes the process, correct?
- 16 A. Yes.
- 17 Q. And then the request should include a
- 18 statement explaining the need and also a proposal
- 19 describing the work to be done in place of their normal
- 20 classroom responsibilities, correct?
- 21 A. Yes
- 22 Q. And then that goes to the Chair or the Dean
- 23 who then reviews it; is that correct?
- 24 A. Yes
- 25 Q. And then it goes from the Chair or the Dean to

- 1 Q. And so then you proposed, instead of teaching
  - 2 a class that semester, you would be focusing on
  - 3 enhancing course materials for your Game Theory class
  - 4 and that would be the substitution, so to speak?
  - 5 A. Yes

6

- Q. Okay. So when you were -- well, I guess just
- 7 to start with, what made you decide to submit this
- 8 application for Modified Instructional Duty?
- 9 A. I understood that this was for -- the standard
- 0 process for when one is expecting a child. I asked my
- 11 colleagues around; and they said, yeah, that's what I
- 12 should do.
- 13 Q. And so were you anticipating that, with a new
- 14 baby in March, that it would be good to have the
- 15 flexibility not to teach that semester; or was it -- did
- 16 you just do it because of --
- 17 A. Yes.
- 18 Q. Okay. And then, from what you said, your
- 19 colleagues indicated that this was pretty normal -- a
- 20 pretty normal request?
- 21 A. Yes.
  - Q. Okay. Do you remember who you talked to
- 23 specifically who mentioned that?
- 24 A. I don't remember. I believe at the start of
- 25 the process Carol Bearden, who was the Executive

1 Assistant to Professor Tewfik, sent me a sample of a

- 2 memo of modified duty written by another faculty member;
- 3 and she said, "Here is what we expect, and write
- 4 something like that." So that's what I remember.
- 5 Q. And so then -- so do you remember to whom you
- 6 submitted this?

7

- A. I believe I submitted the form to Carol
- Bearden, and I probably CC'd Professor Tewfik. 8
- 9 Q. And so then the next thing in exhibit -- or
- the next exhibit, 75, is the -- Dr. Tewfik's memorandum
- 11 to Jerry Speitel; is that correct?
- 12 A. Yes.
- Q. And so the first paragraph of this is sort of 13
- 14 a summary of your request. Is that a fair statement?
- 15
- Q. And then he goes on to say, "Evdokia normally 16
- teaches two courses per academic year plus senior 17
- 18 design." Did I read that accurately?
- 19
- 20 Q. And was that -- was that an accurate
- statement? 21
- 22 A. Yes.

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- 23 Q. And then he goes on to say that he had
- 24 "approved an unbalanced teaching load this academic year
- 25 for Evdokia to allow her to participate in most of the

1 activities of the UC Berkeley Mathematic Sciences

3 result, she will not be teaching at all this academic

Q. And is that -- is that -- is what he said

10 guess this was when you were in the Simons Institute

Q. So the reference to UC Berkeley, was that -- I

Q. Okay. So that's what this is referencing, the

A. Yes. And I apologize. I'm now seeing that

Mathematical Sciences Research Institute; but it's --

it's not completely accurate because it says UC Berkeley

2 Research Institute during the Fall of 2015. As a

year." Did I read that correctly?

that we were mentioning earlier?

A. Yes.

A. Yes.

A. Yes.

7 accurate?

1 specifically, to promote collaboration of researchers in

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- 2 this field and to promote visibility of such research to
- Q. And so what were you doing in the Simons
- 5 Institute while you were there in the Fall of 2015?
- A. I was a visiting researcher, along with maybe
- about -- I would say about 40 or so professors from
- universities across the United States and across the
- 9 world.
- 10 Q. So then just returning to Exhibit 75,
- 11 Dr. Tewfik says that he supports your request and asks
- "that you approve it." And it's addressed to Jerry
- 13 Speitel. Is that accurate?
- 14 A. Yes.
- 15 Q. And then -- and then the next document is a
- memorandum from Janet -- no, from Jerry Speitel to Janet
- 17 Dukerich, indicating that the Cockrell School supports
- 18 the request?
- 19 A. Yes.
- 20 Q. Okay. And sorry, Dr. Nikolova. Some of this
- is just for the record, and we can just keep it moving.
- Do you remember whether this was approved?
- 23 A. Yes, my MID was approved.
- 24 Q. In -- in Spring 2016, were you supervising
- 25 senior design, or no?

- A. I don't recall. 1
  - Q. Let me -- let me ask another question before
  - 3 we move on. Is there a reason that you decided to go on
  - 4 Modified Instructional Duty instead of taking leave?
  - A. Well, for one, it was the standard process, as
  - 6 my colleagues had told me. My understanding was that
  - under MID, I would continue receiving salary. I would
  - 8 be paid, whereas, the other forms of leave would be
  - unpaid; and the other forms were limited to 12 weeks,
  - 10 which it doesn't -- I just feel like it doesn't work
  - 11 well with an academic schedule and the responsibilities
  - 12 of a professor teaching a course. I just didn't imagine
  - 13 how it would fit because if I'd taken the other form of
  - 14 leave, I would have started teaching a course, let's
  - 15 say, in Spring; and then someone else would have to take
  - 16 over in the middle of the semester. So I don't know if
  - 17 I had requested one how it would have worked. My
  - understanding was that the MID was for professors
  - specifically to accommodate for the academic semester-
  - 20 by-semester schedule.
  - 21 MR. DOWER: I just uploaded an
  - 22 Exhibit 76.
  - 23 (Exhibit 76 marked.)
  - (BY MR. DOWER) Let me know when you've had a
  - chance to download that and take a look at that.

51

the name -- the name of the institute is a little

- 19 different. But other than that, yeah.
- 20 Q. Okay. Why don't -- really quick, why don't

14 stuff you were doing at the Simons Institute?

- 21 you tell me -- so what is the Simons Institute?
- A. It's -- so I believe the name is the Simons
- Institute for the Theory of Computation. It's an
- institute that was formed to promote research in theoretical computer science and related fields,

1 A. I just opened it. Let me save it.

- 2 Okay. I'm ready.
- 3 Q. Okay. Well, you've probably figured out where
- 4 I'm going with this. This is the Modified Instructional
- Duty -- well, the first two pages is the Modified 5
- Instructional Duty request for Fall 2018, correct?
- 7 A. Correct.
- Q. Okay. So in this one -- in this request, 8
- first of all, this is dated April 13th, 2018, correct? 9
- 10 A. Correct.
- 11 Q. And so in this request you say that you're
- 12 anticipating -- or expecting a baby on June 30th, 2018;
- and so you want Modified Instructional Duty for the Fall
- 14 2018 semester. Is that accurate?
- 15 A. Yes.
- Q. And so, instead of teaching, you would be 16
- 17 focusing on enhancing your -- I think it's -- this would
- be the graduate-level Game Theory class?
- A. Yes. 19
- 20 Q. And then if we go down to page 3 of
- 21 Exhibit 76, we have another memorandum from Dr. Tewfik
- to Jerry Speitel. Is that a -- is that what you see? 22
- 23 A. Yeah.

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- 24 Q. And so it's kind of similar to before. We
- 25 have a paragraph that summarizes your -- your request;

1 and then the second paragraph says, "The normal teaching

2 load for well-funded research-active faculty members in

addition to supervision of a senior design team." First

Q. And is that -- is it your understanding that

Q. Okay. And then he goes on to say, "One of the

courses must be an undergraduate course," and is that

Q. Okay. And then he goes on; and he says, "I

Q. And so the next page is the next step in the

Q. And then at the bottom of that page, page 4 of

24 the PDF, it says that it's approved by Carmen Shockley,

Assistant Vice Provost for Faculty Affairs. Do you see

19 process, where it's Jerry Speitel to Janet Dukerich; and

he indicates that the Cockrell School supports this

support Evdokia's request and recommend that you approve

5 of all, did I read that correctly?

that's accurate, that statement?

12 your understanding as well?

A. Yes.

A. Yes.

A. Yes.

21 request, correct?

A. Yes.

16 it," correct?

1 that?

54

- 2 A. Yes.
- 3 Q. And it's signed and dated, correct?
- 4 Yes.
- 5 Q. Okay. And then, when we keep going, there's
- an e-mail exchange between Dorothy Harris and Sonya
- Shaffer in which Dorothy Harris asks for additional
- information. Do you see that e-mail?
- A. Yes. 9
- 10 Q. And so it looks like Ms. -- or maybe doctor; I
- 11 don't actually know her title -- Dorothy Harris just
- 12 wanted clarifying information about how many -- like,
- how many you'll teach for the academic year in which
- you're assigned Modified Instructional Duty; is that 14
- 15 correct?
- 16 A. Yes.
- 17 Q. And then it clarifies -- or I guess Sonya
- Shaffer clarifies that you'll be teaching one course in
- addition to supervising a senior design course; is that
- 20 correct?
- 21 A. Yes.
- 22 Q. And so -- but this is for the cumulative
- academic year, right? Is that your understanding?
- 24 A. Yes.
- 25 Q. Is supervising a senior design course, is that

55

- 1 a semester-by-semester commitment; or is that a
  - commitment that goes for the whole year, typically?
- the department is two courses per academic year, in A. It's typically one of the senior design team
  - in two consecutive semesters, which may be both in the
  - same academic year; or they may be across two academic
  - years, depending on when they start.
  - Q. And then on the last page of this document,
  - 76. this is the -- this is the -- this is a memorandum
  - addressed to you from Jerry Speitel, letting you know
  - that the request for Modified Instructional Duties for
  - 11 Fall 2018 had been approved?
  - 12 A. Yes.
  - 13 Q. And then there's a little bit of a discussion
  - here about the use of available sick leave. Do you
  - recall having any discussions with -- with, I guess,
  - Jerry Speitel about whether you would be doing sick
  - leave in conjunction with -- with your modified
  - 18 instructional leave?
  - 19 A. Not at that time.
  - 20 Q. So you had discussions, but they probably
  - 21 occurred later -- or they would have occurred later?
  - 22 A. Yes.

24

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- 23 Q. Okay. I've just uploaded Exhibit 77.
  - (Exhibit 77 marked.)
  - A. I have it open. I'm going to save it.

Appx.0486

10

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1 Q (BY MR. DOWER) Yeah, take your time.

- 2 A. Okay. I'm done.
- 3 Q. So these are documents related to your request
- 4 for Modified Instructional Duty in the Spring 2020
- 5 semester, correct?
- 6 A. Yes.
- 7 Q. And so in -- in your memorandum, you indicate
- 8 you're expecting a baby on September 17th, 2019; and
- 9 you're requesting to have Modified Instructional Duty in
- 10 the Spring 2020 semester, the following semester,
- 11 correct?
- 12 A. Yes.
- 13 Q. And so instead of teaching classes in Spring
- 14 2020, you were proposing that you focus on developing
- 15 course material for a new graduate course; is that
- 16 correct?
- 17 A. Yes.
- 18 Q. This was -- went through the same process that
- 19 we've been describing, where Dr. Tewfik is supportive;
- 20 the Cockrell School supports the request; and then it's
- 21 approved?
- 22 A. Yes.
- 23 Q. And for -- for Spring 2020, did you end up
- 24 developing the course material for a new graduate
- 25 course?

- 1 A. No. The memo speaks of a new graduate class,
  - 2 and I have not -- I have not taught such graduate class
  - 3 since the memo was written; and so in such sense, it has
  - 4 not yet been unveiled.
  - 5 Q. I'm going to upload another document. This
  - 6 one is an exhibit that's previously been used. So it's
  - 7 already been marked as Exhibit 52.
    - (Exhibit 52 discussed.)
  - 9 A. Okay. I have it open.
    - Okay. I have it saved.
  - 11 Q (BY MR. DOWER) So this is the University's
  - 12 Extension of the Tenure Track Probationary Period
  - 13 policy; is that correct?
  - 14 A. Yes.
  - 15 Q. And so this is to extend the time in which a
  - 16 faculty member -- I guess an assistant professor has
  - 17 before they hit their up-or-out year. Is that your
  - 18 understanding?
  - 19 A. Can you please repeat the question?
    - Q. Sure. So this policy that -- you're extending
  - 21 your probationary period when you invoke this policy,
  - 22 correct?

20

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- 23 A. Yes.
- 24 Q. And so the probationary period is the time
- 25 that an assistant professor has before they hit their

A. Yes -- I mean, not full -- not fully for the

- 2 entire course; but I worked on developing materials, as
- 3 stated.
- 4 Q. And so at the end of that semester, was
- 5 that -- what happened with the work that you generated?
- 6 A. It's revising various files in my computer.
- 7 Q. I guess what I'm trying to ask is, you know,
- 8 is -- have there been any steps since Spring 2020 to
- 9 actually unveil a new graduate course?
- 10 A. This is ongoing work, and it has been ongoing.
- 11 Part of it was done then, and it has remained. In the
- 12 graduate course, we want to always incorporate some of
- 13 our research; and the research has been ongoing. And so
- 14 whenever I teach a next such graduate course, I would be
- 15 incorporating everything from that semester and also
- 16 subsequent semesters.
- 17 Q. Okay. So you're incorporating it into some of
- 18 your instruction in some existing classes?
- 19 A. Yes. For this particular memo, yeah.
  - Q. I'm not -- I'm just trying to make sure I
- 21 understand your testimony. And so at this point
- 22 there's -- a new graduate course has not been unveiled,
- 23 but you incorporated some of the work you did into
- 24 existing courses. Is that a fair statement? Is that
- 25 accurate?

20

1 up-or-out year. Is that your understanding?

- 2 A. I'm sorry. Say it one more time.
- Q. Sure. So this policy extends the deadline by
- 4 which an assistant professor has before they hit the
- 5 year in which they will either receive tenure or be
- 6 given a terminal appointment?
- 7 A. Yes.
- 8 Q. Okay. And so this is a different policy than
- 9 the Modified Instructional Duty policy, correct?
- 10 A. Yes.
- 11 Q. And so, theoretically, someone could be on
- 12 Modified Instructional Duty but choose not to extend the
- 13 probationary period, true?
- 14 A. Yes.
- 15 Q. But, you know, you could -- by the same note,
- 16 you could, if you're on Modified Instructional Duty,
- 17 also seek to extend your probationary period?
- 18 A. Yeah.
- 19 Q. Do you have an understanding of what the
- 20 purpose of this policy is?
- 21 A. Yes.
- 22 Q. Okay. And what is that understanding?
- 23 A. My understanding is that when a faculty
- 24 member, male or female, has a new child or an adopted
- 25 child, that takes a significant amount of time and

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1 effort; and to accommodate for having a family, for

- 2 having a child, the faculty member can be given an
- 3 additional year to complete a requirement -- the
- expectation for -- to make tenure.
- 5 Q. And so the year in which they may not be as
- productive because they're focused on the new child
- won't count towards that finite period of time in which
- they have to get either tenure or dismissed?
- 9 A. Yes.
- 10 Q. I'm now uploading what, if I'm keeping track
- 11 correctly, should be Exhibit 78.
- 12 (Exhibit 78 marked.)
- Q (BY MR. DOWER) Let me know when you've got 13
- that saved and have had a chance to go through it. 14
- 15 It's downloading.
- 16 Q. I'm not trying to rush you.
- A. Actually, if I may also request another break 17
- in the next ten minutes or so, whenever -- whenever it's 18
- 19 a good time for you.
- 20 Q. Perfect. And I appreciate these, like --
- 21 these, like, "in the next ten minutes," because that
- gives me a little bit of flexibility. So I appreciate 22
- 23 that very much.
- 24 A. Okay. I have it open. Let me save it.
- 25 Okay. I have it saved.

- 1 A. Yes.
- 2 Q. But then in the third paragraph it says, "In
- addition, attached is the approval from the Provost's
- Office for your request for a one-year extension to your
- probationary period." Do you see that?
- 6 A. Yes.
- 7 Q. Okay. And so this is one of those examples of
- where Modified Instructional Duty doesn't necessarily
- have to be linked to a probationary period extension,
- but it can be and in this case is. Is that a fair
- 11 statement?
- 12 A. Yeah -- yes.
  - Q. And so then the next page is a letter
- 14 addressed to Jerry Speitel from Janet Dukerich. Do you
- 15 see that?

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- 16 A. Yes.
- 17 Q. And this goes through, you know, when you
- joined the faculty and has a little chart of the
- probationary years to basically show what would happen
- if you took the -- you know, the extension year, the 20
- probationary year in '15-'16. Do you see that?
  - A. Yes.
- 23 Q. And it also says that the approved extension
- to the probation period, that it may be rescinded at
- Professor Nikolova's discretion. Do you see that?

(Reporter coughed.)

- 2 MR. DOWER: Bless you, Debbie.
- 3 THE REPORTER: Thank you.
- 4 Q (BY MR. DOWER) Sorry. Are you ready for me
- 5 or --

1

- 6 A. I'm ready, yeah.
- Q. Oh, I'm sorry. I think we were both waiting
- for the other person. I apologize. 8
- Okay. Well, so this -- the first page of
- this document is -- is to let -- well, first of all, 10
- 11 it's addressed to you, correct?
- A. Yes. 12
- 13 Q. And this is -- this is dated November 20th.
- 2015; and it's -- it's the Approval of Probationary 14
- Period Extension, correct? 15
- 16 A. Yes.
- 17 Q. So -- so it starts out in the first paragraph
- and it says that it was to let you know that your 18
- request for Modified Instructional Duties for Spring 19
- 20 2016 has been approved by Senior Vice Provost Janet
- 21 Dukerich, correct?
- A. Yes. 22
- Q. And, as we just discussed, Modified 23
- 24 Instructional Duty is a separate thing from the
- probationary period extension, right?

A. Yes. 1

- Q. And that a request to rescind an approved
- probationary period extension should be submitted in
- writing to the department chair no later than February 1
- prior to the fall promotion review, correct?
- 6 A. Yes.
- Q. So, basically, the faculty member can get the
- extension; but then they can rescind it. They can take
- it back later, up until some cutoff point, which is
- February 1st, prior to the Fall promotion review,
- 11 correct?
- 12 A. Yes.
- 13 Q. Okay. Do you -- so the version of this full
- disclosure that we're looking at right here doesn't have 14
- 15 your signature. Do you remember whether you got this
- 16 letter?
- 17 A. I don't remember. I believe that in my e-mail
- 18 recently I saw it, but I'm not completely sure.
- 19 Q. And I'm not trying to trick you or anything.
- There may be a version with your signature. I'm just
- trying to be transparent, and I suspect there's probably

a version with your signature somewhere out there in the

- ether. I just didn't find it last night when I was
- preparing, but -- so right now you think that you
- probably got this?

66

1 A. I may have gotten it. I don't remember.

- 2 Q. Fair enough. But suffice it to say that
- 3 it's -- the letter from -- or the memorandum that's
- 4 addressed to you from Jerry Speitel indicates that the
- 5 approval is attached; and then it has this thing that
- 6 says, "As noted in the memo, please read and then sign
- $7\,\,$  to indicate your understanding of the extension." And
- 8 just to be clear, I'm looking on the first page of this
- 9 exhibit in the third paragraph.
- 10 A. The first page, third paragraph.
- 11 Q. Second sentence.
- 12 A. Oh, yeah. "...please read and then sign
- 13 to..." Yeah, I see where it says that, yeah.
- 14 Q. Can you tell me what -- you know, going back
- 15 in time mentally to what you were thinking in, I guess,
- 16 around November 2015, why did you decide to request the
- 17 probationary period extension?
- 18 A. I remember it very well. I had a conversation
- 19 with my Chair, Professor Tewfik, in Fall of 2015. It
- 20  $\,$  was a phone conversation or a Skype conversation, and I
- 21 told him that I'm pregnant.
- 22 And he said, "Congratulations, and this
- 23 is what, you know, you need to do as a process. It's
- 24 the Modified Instructional Duty. You can get the form
- 25 from Carol, a sample form. And then there is a one-year

- 1 you won't be able to accept it later," something like
  - 2 that, whereas, "If you accept it now, you can rescind it

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69

- 3 later," or something like that.
- Q. So effectively: If you don't take the
- 5 opportunity to take the extension now, the window of
- 6 opportunity will close; but if you do request the
- 7 extension now, you can always rescind it later. No
- 8 harm, no foul." Is that fair?
  - Something like -- something like that.
- 10 Q. He probably didn't say, "No harm, no foul."
- 11 That's probably me, but something to that effect?
- 12 A. That's right, yeah. There was something to
- 13 the effect that it will not hurt me, but it can only
- 14 help me if I accept it.
- 15 Q. And so -- and, also, you wouldn't be teaching
- 16 in the March -- in Spring 2016, right, as a result of
- 17 the Modified Instructional Duties?
- 18 A. Correct.
- 19 Q. So if one of the things that -- you know, that
- 20 UT is looking at for tenure is teaching, that removes
- 21 some information that they might want to have and that
- 22 you might want to have as part of your portfolio?
  - A. You could say that, yes.
- 24 Q. Okay.

23

67

25 MR. DOWER: Well, you requested a break;

1 extension, and I strongly -- I strongly advise you to

- 2 accept the extension."
- 3 And, actually, I thought all this time
- 4 that it was a voice conversation; but I just, upon
- 5 reviewing my e-mail last week, I saw an e-mail from him,
- 6 which said, "Oh, I went back and checked and, you know,
- 7 here is how the extension works; and I strongly advise
- 8 you to accept the extension."
- 9 And I said, "Okay." I remember in the
- 10 phone conversation it wasn't clear to me why he was
- 11 urging me to accept it because I said, "Well, why should
- 12 I accept an extra year when I don't expect to wait until
- 13 my up-or-out year at UT, anyway?" I was expecting to go
- 14 to be considered for tenure on my normal -- around my
- 15 normal time clock that began at A&M.
- And he sort of gave me a counterargument
- 17 of, "No, no, no. You should accept it."
- 18 And I said, "Okay." He knows better, so
- 19 I will just accept it.
- 20 Q. Do you remember what the substance of his
- 21 counterargument was?
- 22 A. It was something along the line that there is
- 23 a limited time period by which I can accept it. He said
- 24 something like, "Oh, well, you can only accept it now;
- 25 but if you decide later" -- "if you don't accept it now,

1 and I want to oblige you. So let's take a break now.

2 THE REPORTER: We're going off the record

3 at 11:22 a.m.

4 (Off the record from 11:22 to 11:32 a.m.)

5 THE REPORTER: We're going back on the

6 record at 11:32 a.m.

7 (Exhibit 79 marked.)

- Q (BY MR. DOWER) Dr. Nikolova, I'm going to
- 9 direct your attention to what I believe has been marked
- 10 as Exhibit 79; and this is a letter from Carmen Shockley
- 11 about a request for a one-year probationary period
- 12 extension, dated September 20th, 2019, correct?
- 13 A. Yes.

- 14 Q. And I must confess that I don't have all of
- 15 the various documents that go with this ready to go, but
- 16 let me ask you this: Did you apply for a probationary
- 17 extension around September of 2019?
- 18 A. Yes.
- 19 Q. And if we refer back -- or I'm going to refer
- 20 back in my notes. This would have been when you were on
- 21 sick leave/leave without pay in the Fall of 2019?
- 22 A. Yes.
- 23 Q. And so you requested that the 2019 to '20
- 24 academic year be a -- not count towards the probationary
- 25 period; is that correct?

1 A. Yes.

- 2 Q. Okay. And was this -- was this probationary
- 3 extension granted?
- A. Yes.
- 5 Q. And why did you decide to seek a probationary
- 6 extension in the Fall of 2019?
- 7 A. Well, this was after I received my tenure
- 8 decision of do not promote in February of 2019 in which
- 9 I also -- in which, or shortly after, I was informed
- 10 that I'm -- the reason for not getting promoted and the
- 11 fact that they were urging me to wait for two more years
- 12 in order to fulfill additional requirements that the
- 13 Dean outlined in her assessment letter for my tenure
- 14 review, such as, extra funding and improving my teaching
- 15 scores.
- 16 And around that time -- I don't remember
- 17 if it was after I was not notified of the tenure
- 18 decision -- I learned that I'm pregnant with my third
- 19 child; and I felt that with now three very small babies,
- 20 a brand-new newborn and two other small babies -- small
- 21 kids, it would be really hard to satisfy these extra
- 22 requirements in that upcoming year, which is why I
- 23 applied for an extra year.
- Q. So let me -- let me just make sure I
- 25 understand. So you felt like with the third child, you

- 1 don't have to start at the bottom and work our way up.
  - 2 It's actually in chronological order for once.
    - So the first -- the first page is an
  - 4 e-mail from your gmail account to Karen Little; is that
  - 5 correct?

3

18

- 6 A. Yes.
- 7 Q. And this was in April of 2018, correct?
- 8 A. Yes
- 9 Q. Who is Karen Little?
- 10 A. She is an administrative assistant in the
- 11 department for one part of the department -- actually,
- 12 it's not a part of the department. It's a center called
- 13 the WNCG, Wireless Networking and Communications Group.
- 14 It's a center of about 15, 20 faculty, most from the ECE
- 15 Department, but a couple from other departments and --
- 16 Q. I anticipate --
- 17 A. -- they have their own setup.
  - Q. I'm sorry. I was just going to say, for
- 19 Debbie's sake, could you repeat the letters again?
- 20 Like, N-C-E, is that what you said?
- A. The abbreviation is WNCG, which stands for
- 22 Wireless Networking and Communications Group.
- 23 Q. Thank you. Sorry. I just didn't want Debbie
- 24 to have to listen to that clip over and over again to
- 25 make sure she got it.

- 1 know, and with everything going on in your family
- 2 situation that it would be difficult to make that a
- 3 highly productive year; and you wanted to make sure that
- 4 you improved the metrics that the Dean's letter, after
- 5 the tenure decision, had flagged?
- 6 MR. SCHMIDT: Objection, form.
- 7 A. Yes.
- 8 Q. (BY MR. DOWER) Okay. And, I mean, if there's
- 9 anything that you disagree with about what I said,
- 10 please let me know. I'm not -- I'm not trying to put
- 11 words in your mouth. I'm just making sure that I
- 12 understand your testimony. So, I mean, is that --
- 13 A. Yes.
- 14 Q. Okay. I'm going to change subjects a little
- 15 bit. I'm going to bring up another exhibit.
- 16 Here we go. Okay. Sorry. That took a
- 17 second. I had to cross-reference something. So, I just
- 18 uploaded Exhibit 80.
- 19 (Exhibit 80 marked.)
- 20 A. I'm downloading.
- 21 Q (BY MR. DOWER) Take your time.
- A. Okay. I have it open. Let me save.
- 23 Okay. I have it open.
- 24 Q. Okay. So I'll represent to you that I -- I
- 25 put these in chronological order so we -- for once, we

- 71 1 Okay. And so in this e-mail you
  - 2 indicated that you wanted to hire your fiance as a
  - 3 part-time research scientist in your group, correct?
  - 4 A. Yes.
  - 5 Q. And he'd been assisting you for over a year
  - 6 now with various research projects; and you were even
  - 7 going to submit some joint publications, correct?
  - 8 A. Yes.
  - 9 Q. And so since he was -- so this -- you know,
  - 10 this says that since he'd been committing close to 20
  - 11 hours a week of unpaid research work for you, you were
  - 12 wanting to actually hire him as a part-time research
  - 13 scientist, correct?
  - 14 A. Yes
  - 15 Q. And so you flagged this in the second
  - 16 paragraph. You're saying, "I'm assuming that" there's
  - 17 some -- you'd have to declare some sort of conflict of
  - 18 interest; and so you were -- you were asking for advice
  - 19 on whether it's feasible and what are the conditions and20 a proposal of a salary of something like a thousand
  - 21 dollars a month. Is that -- is that a fair synopsis?
  - 22 A. Yes.
  - 23 Q. And so when you sent this e-mail, you didn't
  - 24 have an understanding one way or the other about
  - 5 whether, you know, there would be an issue with you

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1 making this proposal, right?

2 A. Yeah.

3 Q. And so, just to skip ahead then, so three days

4 later you get an e-mail from Dr. Tewfik; and he

5 indicates that he's -- you know, "We became aware this

6 morning that you would like to hire your fiance as a

7 part-time researcher in your group." And the department

8 would not approve such an appointment. Is that

9 accurate?

10 A. Yeah.

11 Q. And then he quotes a section from the Handbook

12 of Operating Procedures about -- about University

13 employees -- well, I guess I should probably read it

14 directly. So it says -- his e-mail says, "No University

15 employee may approve, recommend, or otherwise take

16 action with regard to the appointment, reappointment,

17 promotion, salary, or supervision of a close relative as

18 defined by this policy." Did I read that correctly?

19 A. Yes.

20 Q. Okay. But, I mean, in fairness to you, when

21 you sent the e-mail to Karen Little, you had no idea

22 that that was at all problematic, right?

23 A. Correct.

24 Q. Okay. And in -- and scrolling down to the

25 next e-mail, you respond and you say that you were not

1 his husiness partners with whom I also had

1 his business partners with whom I also had

2 conversations.

And then he began spending a significant

4 chunk of time in the spring semester when we were at

5 Simons. So that would have been Spring of 2018 when I

6 went to Simons and I took my whole family with me. For

7 that time it was my son -- I guess at that time I only

8 had one child, and I was pregnant with my second. And

9 Jimmy basically came to the Simons Institute, listened,

10 sat in on many discussions between me and other

11 researchers, me and my students; and over time, you

12 know, started contributing. Kind of he got the gist of

13 what we are looking for, and started contributing; and

14 it was a very fruitful time. Basically, that's where15 the collaboration with him took off; and it has led to

16 several -- I think we have a couple of publications now

17 and several in progress.

18 Q. I should probably take this opportunity to

19 ask a little more about his educational background.

20 What is -- I know you mentioned wind farm development.

21 What is -- tell me more about what your husband does,

22 please.

23 A. Yeah. So he's an entrepreneur, and he -- so

24 he has a bachelor's degree in mechanical engineering;

25 and he also is ex-Navy. So he did a nuclear engineering

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1 aware of the policy and that you wouldn't have asked

2 otherwise?

3 A. Correct.

Q. And so is it accurate to say that your fiance

5 was -- had been spending close to 20 hours a week

6 assisting you in your research work?

7 A. Yes.

Q. Okay. How -- how long -- I guess for what

9 period of time was he working with you on your research?

A. We started conversations almost as far back as

11 we met.

8

10

12 Q. Uh-huh.

13 A. He -- when I met him, he -- he's a wind farm

14 developer. He works in the industry. He's not an

15 academic. He does not have a Ph.D. And just over

16 the -- you know, naturally, people ask each other,

17 "What do you do? What do you do for work" and so on;

18 and so as he got to know more about my work and I got to

19 know more about his work, we felt it would be an

20 opportunity -- a rare opportunity for an academic to

21 interface with an industry person and sort of bridge

22 that gap between academia and industry to bring forward

23 some, you know, unique and interesting projects. So we

24 had conversations on and off, sometimes more in-depth

5 for years; but then he -- and he introduced me to one of

1 program at the Navy that he is very proud of. And he

2 was operating a nuclear power plant on an aircraft

3 carrier for a while before he went -- he decided to go

4 to school. So then he got a bachelor's degree in

5 mechanical engineering from the University of North

6 Texas; and how, by fluke, I understand, he got into wind

7 farm development. And that's what he's been doing ever

8 since.

9 Q. So I guess at this time in 2018 what was --

10 was he -- did he have a specific job? I get that he has

11 this very impressive background. I'm just trying to

12 figure out, what was he doing from an occupation

13 standpoint at this time?

14 A. Correct. So he had completed several projects

15 for wind farm development successfully, and he had

16 decided to take a break and retire from wind farm

17 development. It had to do with business incentives and

18 so on in that area.

And he was basically looking for

20 something new, and he always wanted -- he felt that his

21 mom and dad had a good relationship. Part of what made

22 the relationship successful between his mom and dad is

23 that they worked together, and so he was very keen on us

24 finding a way to work together. And so he basically

25 kind of, you know, tried to learn about research and see

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1 if he could work together with me. So that's how this

- 2 came about. So he wasn't actively doing anything else
- 3 at that time. I guess, you could say he's a
- 4 househusband. He hates -- he hates that.
- 5 Q. I won't use -- I won't use the phrase in case
- 6 he ever sees the transcript; but so he was helping you
- 7 with your research and helping, you know, with the
- 8 family unit. How long was that true?
- 9 A. Let me see. So he -- I don't remember the --
- 10 the timeline of when exactly his project closed. I
- 11 remember there was a time when our first child, our son,
- 12 was born it was quite tense at home with a new
- 13 baby; and he -- it was a very intensive work period for
- 14 him with the wind farm development. He was in a phase
- 15 that required a lot of work hours and some travel.
- And at some point that kind of went away;
- 17 and so whenever his part was completed, gradually, his
- 18 time commitment reduced. And he started looking out for
- 19 something new. And, again, you know, it's a gradual
- 20 thing where we had sporadic conversations on my work;
- 21 and, for sure, I remember that that spring semester he
- 22 wasn't actively working on any wind farm development.
- 23 But he always does -- he does a million
- 24 things. So he -- when his wind farms closed, he got
- 25 some investments. So he was managing his invest- -- I

- 1 he's still doing that?
  - 2 A. Well, he -- he -- that's another -- whole
  - 3 other sentence. We've gone to couple's counseling for
  - 4 that. But, basically, he resents the role of being a
  - 5 household husband; and he feels that now, because of not
  - 6 having, like, an active full-time job, like, regular
  - 7 employees do, that he ends up bearing more of the house-
  - 8 hold responsibilities --
  - 9 Q. Gotcha.
  - 10 A. -- at the moment. Also, myself, I'm going
  - 11 through a difficult period. So it's an ongoing
  - 12 conversation between, you know, household chores and
  - 13 baby duties.
  - 14 Q. Right. Okay. I think we are done with that
  - 15 document, so.

20

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- 16 All right. Let's see. I think we're on
- 17 Exhibit 81; although, hopefully, Bob will be kind enough
  - 8 to correct me if I'm wrong. I think I'm on 81.
- 19 MR. SCHMIDT: You're correct.
  - MR. DOWER: All right. Thank you, Bob.
- 21 (Exhibit 81 marked.)
- 22 A. Okay. I have it open. Let me save it.
  - Q (BY MR. DOWER) Let me know when you've had a
- 24 chance to peruse it. I don't want to ask you questions
- 25 until you're ready.
- 1 mean, house -- like property. He bought some houses
- 2 that he rents out, and so he was -- he's always doing
- 3 something. So he's not one, you know, without doing
- 4 anything.
- 5 Q. Gotcha.
- 6 A. Basically, he made the time to -- he makes
- 7 time to, you know, work with me --
- 8 Q. Uh-huh.
- 9 A. -- as a collaborator.
- 10 Q. Right. So he'd been -- he'd been
- 11 collaborating with you, obviously, in your personal
- 12 lives; but I mean professionally, he'd been
- 13 collaborating with you for, I guess, over a year at the
- 14 time you sent this e-mail in April of 2018?
- 15 A. Yeah, I think that's fair to say.
- 16 Q. Okay. And I'm, like, quoting the e-mail
- 17 because it, "He's been assisting me for over a year
- 18 now." So that's where I'm getting that. Okay.
- 19 Okay. And then is he still -- well, I
- 20 guess -- I'm going to use the phrase; but I know that
- 21 you say he wouldn't like it; but the household, is he
- 22 still sort of playing the household husband role while
- 23 all these various side projects are going on?
- 24 A. He complains about it every so often, yeah.
- 25 Q. Okay. So the answer to my question is: Yes,

- 1 A. Okay. So I have saved this. Okay. I have
  - 2 saved this, and I have it open in front of me. Would
  - 3 you like me to read it?
  - 4 Q. I think, in fairness to you, you should
  - 5 definitely look at it before I start asking questions,
  - 6 so yeah. I don't know whether you need to look at the
  - 7 whole thing because the other -- the follow-up pages are
  - 8 your third-year review. I'm mostly going to ask you
  - 9 about the e-mail on the first page.
  - 10 A. Okay. So let me read the e-mail on the first
  - 11 page.
  - 12 (Witness silently reading document.)
  - 13 I've read the e-mail.
  - 14 Q Okay. So before we get into the nitty-gritty
  - 15 of this, of the e-mail, so can you just tell us what the
  - 16 third-year review is, just generally?
  - 17 A. My understanding of it is that it's a review
  - 18 which is typically performed in the middle of one's
  - 19 tenure -- probationary -- in the middle of one's
  - 20 probationary period in order to inform a candidate how
  - 21 they're doing and help them make suggestions, if they
  - 22 need to, to make sure they're successful during the
  - 23 tenure review.
  - Q. Well said. Okay. So, in your situation --
  - 25 well, first of all, this e-mail is dated May 31st, 2018,

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1 correct?

- 2 A. Correct.
- 3 Q. And so this is -- this is when you're in the
- 4 midst of your -- I guess preparing your tenure case,
- 5 correct?
- 6 A. Correct.
- 7 Q. Yeah. So you had -- you know, you decided --
- or you were going up for tenure early; and so instead of
- this being at the sort of the halfway point or midway
- through your tenure period, you're going up, like, while
- 11 this is going on, correct?
- 12 A. Correct.
- 13 Q. Okay. And so, basically, what they decided to
- 14 do was to remove some of the constructive feedback
- because they didn't want to put anything that indicated
- any, like, sort of room-for-improvement areas, given
- that you were going up for tenure that year. Is that
- 18 fair?
- 19 A. You could say that, yes.
- 20 Q. Okay. Would you agree with that? I know I
- 21 said it; but, I just -- I mean, is that a fair
- 22
- A. Yeah. The reason I'm a little bit -- you 23
- know, I say, "You could say that," right, instead of
- just saying "Yes, you're correct" --

- 1 have two more years to tenure; and so they essentially
  - 2 are telling you how you should spend those next two
  - 3 years. So this is very different from actually, you
  - 4 know, advising you on a clearcut goal, like: Oh, you
  - 5 have to do ABC. You have only done A and B; therefore,

  - 6 you need to do C. Does that make sense?
    - Q. Yeah. So there are some suggestions that
  - would normally be included which are the subjective
  - 9 suggestions by the people -- the faculty who prepared
  - 10 the third-year review; and you don't -- because the
  - 11 process itself is somewhat subjective, you know, you're
  - 12 not -- you're not necessarily -- you don't necessarily
  - 13 agree with the suggestions that they would normally
  - 14 include? Is that a -- is that a fair statement?
  - 15 A. Again, it's not that I do not agree with them.
  - 16 I take them as they are, and I work on them. And so
  - 17 this is what I did. I took the review as it was and I
  - 18 kind of addressed what I felt, you know, the suggestions
  - were and so I worked on it. Whether I agree with it is
  - a different question. I help --
  - Q. Okay. Well, let me -- let me just ask you
  - 22 this: The suggestions that were originally in the draft
  - of your third-year review were removed from the final
  - 24 version, correct?

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25 A. This is what the e-mail states, correct.

Q. Yeah. 1

- A. -- I would not quite word it the way that you
- 3 did; and part of it is that both the tenure bar and the
- 4 third-year review are highly subjective. That's one
- 5 thing that I have a huge issue with and that I think's
- 6 at the core of this discrimination complaint.
- 7 Q. Uh-huh.
- 8 A. And so I feel that in this third-year review,
- you know, a lot of random things may get said, like
- arbitrary suggestions that aren't necessarily -- you 10
- 11 know, this is -- it's not like -- it's not a clearcut:
- Okay. We need five papers to get tenure; and we see 12
- 13 that you have, you know, published three. So you need
- to publish two more, right? So this is something very 14
- 15 clear.
- 16 This -- there's no clear numbers for any
- category. There are no clear, you know, expectations. 17 Everything is very subjective, and it's subject to being
- 19 distorted. A lot of it is perception. And so that's
- 20 why I wouldn't word it the way you did.
- 21 Yes, people in the third-year review, I
- think, do their best to give constructive feedback so
- 23 the candidate is successful. At the same time, there is
- this thing about the third-year review, you know, middle
- of the runway, to where, you know, they expect that you

- Q. Okay. Do you know whether that's accurate,
  - 2 whether this e-mail is accurate?
  - A. I don't -- I know there were two versions of
  - 4 the third-year review, and I'd have to go back word for
  - 5 word to see what exactly was removed. So I don't
  - remember what the suggestions were and what suggestions
  - 7 were removed.

13

- 8 Q. Okay. So you don't know whether -- well, you
- can't really, sitting here right now, say whether or not
- it's accurate; but this e-mail indicates that -- that
- they had agreed to the corrections you had suggested
- 12 based on the fact that you were going up for promotion?
  - A. Correct. That's what the e-mail states.
- 14 Q. And you don't, sitting here right now, have
- 15 any basis to either agree or disagree with it because
- 16 you just don't remember?
- 17 A. Correct. I remember one thing, which
- 18 states -- which states after the edits, which was the
- 19 suggestion to have a couple extra publications. I
- remember that. And since I didn't remember any other
- suggestion, that's why I couldn't answer your question
- affirmatively, because I know that this was the major
- suggestion that essentially stayed in that corrected
- 24 draft. So I don't recall other, you know, serious
- suggestions, like, were there before and were removed.

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1 Q. Could you point out which part you're

2 referring to, since we have the -- the version right

3 here?

4 A. Yeah, let me look through it.

5 Q. Yeah, yeah. Take your time. I'm not trying

6 to rush you.

7 A. Oh, okay. So maybe this is what was removed

B because I don't see it now in the summary paragraph.

9 I'm just looking in the summary paragraph. So the

10 summary paragraph reads, "Dr. Nikolova has established a

11 solid research program in game theory, network

12 optimization, and algorithms. She has achieved notable

13 success at funding and has the expected productivity in

14 terms of papers and students. Her teaching is valuable

15 to the department and well-rated at both the

16 undergraduate and graduate levels. Her service record

17 is appropriate for an Assistant Professor. Post-tenure,

18 it would be good for her to become more actively

19 involved in leadership activities internally and

20 externally." So maybe this is what I'm remembering, and

21 it may be somewhere further up. But maybe this was the

22 suggestion I'm remembering that was removed, which was

23 to have a couple extra publications.

24 Q. Okay. So your memory is that there was

25 originally a suggestion that you might need some more

1 comment. So it's possible that it was in the earlier

2 version and it was removed.

MR. DOWER: Okay. That's all I have for

4 this document, and this is kind of a good transition

5 point. So maybe we could take the lunch break now since

6 it's noon. Is that okay with everyone?

7 MR. SCHMIDT: That's fine with us.

THE WITNESS: Yes.

MR. DOWER: Okay. Should we just say

10 come back at 1:00 or...

MR. SCHMIDT: That works with us as well.

12 THE REPORTER: We're going off the record

13 at 12:06 p.m.

14 (Off the record from 12:06 to 1:00 p.m.)

THE REPORTER: We're going back on the

16 record at 1:00 p.m.

17 Q (BY MR. DOWER) All right. So I kind of want

18 to shift the discussion, now that we're back from the

19 lunch break, to the actual tenure process and the

20 decision to go up for tenure early.

21 So I guess the first question would

22 probably be: When did you first decide to go ahead and,

23 you know, pull the trigger on going up for tenure in the

24 '18-'19 cycle?

25 A. That was not my decision.

1 publications, and it looks like it was removed from the

2 final version?

A. That's what it looks to me at the moment,

4 yeah.

5 Q. Okay. And if you want to review the whole

6 thing -- I mean, it's three pages; but, at the same

7 time, it's only three pages. So if you want to review

8 the whole thing to see if it's anywhere else in here,

9 you know, please, be my guest.

10 A. Okay. Sure. Yeah, I can -- I can read that

11 now.

12 MR. SCHMIDT: I don't want to interject

13 in your deposition; but I do think for her to be able to

14 state whether or not something was removed, she'd have

15 to see, probably, both documents to make that -- at

16 least, that would be the way to conclusively make that

17 statement.

18

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MR. DOWER: I appreciate that. I don't

19 have the other one on hand, but she did testify that she

20 remembers this one comment. So we can at least

21 determine for that one whether it's in this version.

22 MR. SCHMIDT: I understand.

23 MR. DOWER: Okay.

24 A. (Witness silently reading document.)

Yeah. I read it, and I didn't see that

1 Q. Okay.

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A. I was advised to go up by Professor Sanjay

3 Shakkottai.

4 Q. Okay. And so what did Sanjay Shakkottai tell

5 you?

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6 A. He -- we had -- I believe we had a lunch

7 meeting around September 2017, so the preceding year, in

8 which he said, "Hey, I think you're ready now; And

9 things are changing at the college where if you go up

10 now, you will not be considered early. You will be

11 technically early, but you will not be" --

12 THE WITNESS: Hello?

MR. DOWER: I'm still here.

14 THE WITNESS: Oh, everything crashed

15 here; but you still hear me, I guess?

16 MR. SCHMIDT: We still hear you, yes.

MR. DOWER: Oh. Oh, shoot.

18 THE WITNESS: Oh, the video crashed.

19 MR. DOWER: Yeah, it really did.

20 MR. SCHMIDT: Yeah, the video is gone.

21 THE WITNESS: Okay. Just a second. I

22 just want to adjust my computer screen.

23 MR. NOTZON: Want to go off the record

24 while we figure this out?

25 MR. DOWER: Sure.

90 THE REPORTER: Off the record at 1 didn't -- you couldn't say -- you couldn't say, "I'd 2 1:02 p.m. 2 rather -- I'd rather wait another year," that you --3 (Off the record from 1:02 to 1:02 p.m.) 3 MR. SCHMIDT: Objection, form. I'm THE REPORTER: We'll go back on the 4 4 sorry. Q. (BY MR. DOWER) That you had no choice in the 5 5 record at 1:02 p.m. Q. (BY MR. DOWER) So I don't know whether to let 6 matter? you finish or pick up with a new question. What would 7 MR. SCHMIDT: Objection, form. you prefer, Dr. Nikolova? 8 A. This was not the discussion we had. It was 9 A. Let me try to remember what I said. I think not about me saying, "Oh, I'm" -- about me having a 10 we were discussing -- yeah. Yeah, Sanjay Shakkottai, we choice. It's -- I think it was -- I had had this had a conversation around September the preceding year, 11 conversation with both Sanjay and Ahmed about the timing 12 2017, in which he said, "Hey, I think you're ready now; of when to go up for tenure. I was expecting to go up 13 and things are changing at the college." I remember him for tenure around my normal time clock, which would have 14 saying that things are changing at the college because 14 been two years earlier. 15 we had had that conversation in preceding years where he 15 And so when that time came, I sort of said, "Oh, well, there is this thing that if you go up, 16 asked, you know, "What's going on? Should I be 17 you will be -- you may be held to a higher bar." considered now; or if not, you know, what do I need to 18 And he specifically came to me that do to prepare?" And so I had had this conversation with 19 September saying, "Hey, things are changing at the both Ahmed and Sanjay. It was not about that, oh, I had college now. You will not -- you can go up now because a choice. I was -- I was waiting for the Department to 20 you will -- because you will not be held to a higher give me the green light to go up. bar. You are technically early, but you are not truly 22 Q. (BY MR. DOWER) Okay. So because of the time 23 early. So I think it's a good time for you to go up 23 you'd spent at A&M, you wanted to go up as early as you 24 now. Also, given that it's Ahmed's eighth year, final 24 could -- or at least as early as was advisable; and 25 year as Chair, and, you know, next year we'll have a new 25 once they said the green light, go ahead, you wanted to 91

1 Chair; we don't know what will happen. And Ahmed has 2 all the experience, so now is a good time." 2 point? Q. So -- so just to be clear, so you had a choice 3 MR. SCHMIDT: Objection, form. 4 about whether to initiate the process; and you exercised 4 A. I wanted to go up -- I wanted to go up as 5 that choice based on the advice of Sanjay Shakkottai. 5 early as was fair. 6 Is that fair? 6 Q (BY MR. DOWER) And when Sanjay was referring A. No, it was never my understanding that it was to a change at the college, did he mean a change in the up to me to initiate the process. college of -- at the Cockrell School of Engineering? Q. So even though --A. I don't know what he meant. 10 10 A. I thought that would come --

11 Q. Go ahead. Sorry. I apologize. 12 A. Sorry. I thought that would come from the

13 Chair or somebody at the department telling me, you

know, "It's time for us to consider you." And that's 14

15 what happened. Sanjay came to me and said, "It's time."

16 Q. And what was his position at that time?

17 A. He was serving as a mentor to me.

18 Q. Okay.

19 A. He was not an official mentor, but he had been

20 serving as the de facto mentor. He was my unofficial

21

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Q. Oh, okay. So your unofficial mentor advised 22

23 you to go -- to go up at that time?

24 A. Correct.

Q. Okay. And it's your understanding that you

1 take -- you know, go ahead and start the process at that

Q. Okay. Did you talk to anyone else other than

11 Sanjay at that time about whether or not your -- it was

12 advisable to go up for tenure at that time?

A. I sought out advice from a couple other

14 faculty. I remember seeking out advice from Gustavo de

15 Valenciano.

16 THE WITNESS: Do you need the spelling of

17 that?

18 MR. DOWER: Probably.

19 THE WITNESS: I'm sorry. I didn't hear.

20 THE REPORTER: Yes, please.

21 THE WITNESS: Gustavo is spelled

22 G-U-S-T-A-V-O and then a separate word, small letters

23 D-E; and then the last name is Valenciano. I may

24 butcher that, but it's something like that

25 V-E-C-I-A-N-A [sic.] I may have missed a syllable

92

1 there.

- 2 MR. DOWER: That's all right. Close
- 3 enough. We can always go back and cross-reference with
- 4 an e-mail or something and correct the spelling in an
- 5 errata sheet if we need to, all of which is to say:
- 6 Don't worry about it.
- 7 Q. (BY MR. DOWER) Who -- can you remember anyone
- 8 else that you sought advice from at that time period?
- 9 A. Yeah. I had a conversation with Christine
- 10 Julien; but the conversation was not, "Hey, do you think
- 11 I'm ready," because that's -- she was not close to my
- 12 area; and I had already had that conversation with
- 13 Sanjay, who had told me that I'm ready. So in my
- 14 conversation with her, it was more asking her about what
- 15 the process is; and she told me what the process is.
- 16 And she -- after that conversation, which happened
- 17 around November of 2017, she advised me on the process;
- 18 and she sent me by e-mail a form, which was the Dean
- 19 Summary Sheet. She told me all -- "This is what you
- 20 need to do. You need to fill out this Dean Summary
- 21 Sheet, talk to Ahmed, discuss it with Ahmed; and then
- 22 Ahmed goes to the Dean and discusses your case with the
- 23 Dean to see whether the Dean would give the green light
- 24 and so on."

1

25 Q. And so did you then talk to Ahmed?

- 1 case to the Budget Council at the beginning of that
  - 2 process?
  - 3 A. Correct.
  - 4 Q. Was that -- was that Sanjay Shakkottai who
  - 5 made the presentation?
  - 6 A. Yes.
  - 7 Q. Okay. Are you present at the meeting of the
  - 8 Budget Council when they're talking about your -- your
  - 9 tenure case?
  - 10 A. No. I'm forbidden from being present, and I
  - 11 believe the meeting is closed to assistant professors.
  - 12 And it may also be closed to associates. I'm not sure.
  - 13 Q. And so, actually, earlier when you alluding to
  - 14 a text from Sanjay that said -- that he sent you after
  - 15 he made the presentation -- do you remember testifying
  - 16 about that earlier this morning?
  - 17 A. Yes.
  - 18 Q. Okay. So just to tie this together, so he
  - 19 would have sent you that text after his presentation to
  - 20 the Budget Council; is that correct?
  - 21 A. Yes.
  - 22 Q. And do you remember when your tenure case was
  - 23 initially presented to the Budget Council, just to
  - 24 approve whether or not to continue with the process?
  - 25 A. Do you refer to the presentation to the Budget

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- 9
- A. Yes. After my conversation with Christine, I
- 2 received that form from her. I filled it out. I
- 3 scheduled a conversation with Ahmed. And, again, it
- 4 was, I told him, "You know, Sanjay thinks I'm ready to
- 5 go up this year. What is the process?"
- 6 And Ahmed said, "Well, this is what
- 7 happens. That's what the process is like, A, B, C. You
- 8 have to do these documents, A, B, C. I'll take your
- 9 documents. I'll discuss your case with the Dean. And
- 10 then the Department is going to vote on your case; and
- 11 then, you know, if everything goes well, then you can
- 12 officially start the process in the summer."
- 13 Q. And so -- so did -- and it's my understanding
- 14 that someone presented your case to the -- is it the
- 15 Budget Council or the Budget Committee? I'm blanking
- 16 out. What's the name of the department-level body? Do
- 17 you remember?
- 18 A. I believe it's Budget Council.
- 19 Q. Okay. That sounds right. So it's my
- 20 understanding that there's an initial vote by the Budget
- 21 Council on whether to approve the tenure case, sort of
- 22 starting the process. Is that your understanding as
- 23 well?
- 24 A. That's my understanding as well.
- 25 Q. Right. And so -- and someone presented your

1 Council before I submitted my tenure documents or after

- 2 I submitted my tenure documents?
  - Q. Great question. I'm referring to the before,
- 4 at the very beginning of the process.
- A. Yeah. Can you repeat your question now? I'm
- 6 sorry.

5

- 7 Q. Yeah. I'm trying to figure out whether --
- 8 when -- when did that happen?
- 9 A. This happened in late Spring of 2018. I want
- 10 to say early May, to the best of my recollection.
- 11 Q. Okay. And so once the Budget Council gave its
- 12 initial approval to you going forward with the tenure
- 13 case, is that when you started preparing the dossier?
- 14 A. Correct.
- 15 Q. And can you tell me -- can you tell me about
- 16 the process of assembling your dossier? And if it would
- 17 be easier, I can probably make an exhibit; and then we
- 18 can just sort of talk through it if that would be easier
- 19 to organize the conversation.
- 20 A. Yes, please.
- 21 Q. Yeah, let's do that. I agree. It's easier to
- 22 talk when you've got a document in front of you. So
- 23 give me one second.
- Okay. This is going to take a second to
- 5 upload because it's a little bit bigger file than some

Appx.0496

98 100 1 of the other PDFs. 1 present rank are -- there's 5.5 total years in present 2 Okay. It should be uploaded. So you 2 rank. Do you see that? 3 should be able to download it now. 3 A. Yes. Q. Okay. So at the time -- at the time this is 4 A. I'm downloading. 4 5 5 calculated, it had you at 5.5 years as an assistant Q. It may take a second, and this has been 6 previously marked as Exhibit 39. present -- as an assistant professor at UT Austin. Is 7 (Exhibit 39 discussed.) 7 that what you understand that to mean? 8 A. It looks like it may take several minutes on A. Yes. 8 9 9 my end. Q. And then it has four years in probationary Q (BY MR. DOWER) Well, while we're waiting, did 10 status, correct? 10 you talk to anyone else about whether it was advisable 11 A. Yes. 12 to initiate the tenure process when you did it -- or, I 12 Q. And so the years in probationary status are 13 1.5 fewer than your years in present rank, you know, 5.5 13 guess, when it was initiated? 14 A. I don't recall at the moment talking to 14 minus 4? 15 15 anybody else, specifically asking whether it's a good A. Correct. Q. And so one of those years that's the gap is 16 idea to go up at that time. 16 17 Q. Is it still downloading? 17 from your probationary extension in 2015 to '16, 18 A. Yeah, it's about 40 percent downloaded. 18 correct? 19 MR. SCHMIDT: I'm reaching out to our IT 19 A. Yes. 20 guy right now, as we speak, to see if they can figure Q. And then the other .5 comes from the fact that 20 21 you started at UT in January of 2014, correct? 21 out what's the deal, so. 22 THE WITNESS: I think it's a very large Q. And so your probationary years, they don't do 23 file. It's my whole dossier. 23 24 24 it by semester. It's basically whole numbers only, MR. DOWER: Yeah, it's 24 megabytes, so. 25 MR. NOTZON: For the record, that's not 25 correct? 101 me, the IT guy. A. Yes. 1 2 Q. Okay. And, obviously, these numbers do not 3 MR. SCHMIDT: I don't think anybody would 3 count the two and a half years you spent at Texas A&M, 4 have thought that, but I'm glad you clarified that. 4 correct? 5 Any luck on that, Dr. Nikolova? 5 A. Yes. 6 THE WITNESS: It's about 80 percent on my 6 Q. And do you have an understanding of the number 7 end. of years that would make this an up-or-out case? A. Yes. 8 MR. SCHMIDT: Okay. If you want to go off the record. Ben. Q. Okay. And so what do you believe that number MR. DOWER: Yeah, I just -- I hate to 10 to be for this form? 10 11 burn time just sitting here. 11 A. The number of years in probationary status THE REPORTER: We're going off the record 12 should be six. 12 13 at 1:21 p.m. Q. Six. Okay. And so even if you had rescinded 14 your probationary extension, you would not have been in 14 (Off the record from 1:21 to 1:26 p.m.) 15 THE REPORTER: We're going back on the your up-or-out year, correct? 16 record at 1:26 p.m. 16 A. Yes. Q (BY MR. DOWER) Okay. So, Dr. Nikolova, the 17 17 Q. I want to jump down a little bit. We started document that's Exhibit 39, the first page of that 18 with this because I wanted to explore with you which document is the Recommendation For Change in Academic 19 parts of your dossier you prepared and some things of 19 20 Rank/Status form, correct? 20 that nature. So let me jump down to page 14 of the PDF, 21 A. Correct. 21 which is the number in the bottom right that ends 317. Q. Okay. And that shows at the top of it your --22 It's got a big seven-digit number, but it's probably 22 23 your years of academic service. Do you see that? 23 easier to refer to it by PDF page. 24 A. Yes. A. Page -- I'm on page 14 of the PDF. Can you 25 please confirm again what's --25 Q. Okay. And so it lists that your years in

1 Q. Yeah. You should be looking at your standard

- 2 resume.
- 3 A. Yes.
- 4 Q. Okay. And so -- so this -- your resume is
- 5 something that you submitted as part of your dossier,
- 7 A. Yes.
- Q. Okay. And so when you were preparing to 8
- submit your dossier, one of the things that you had to
- 10 do was to go through and generate a -- a fairly --
- fairly lengthy resume that lists things like
- 12 publications, et cetera, correct?
- 13 A. Yes.
- 14 Q. Yeah. And it's got oral presentations. I
- 15 mean, this is a fairly detailed document. Would you --
- would you agree? 16
- 17 A. Yes.
- 18 Q. Okay. And it also lists on page 22 of the
- PDF your grants and contracts -- or I guess starting on 19
- page 22 of the PDF? 20
- A. I'm on page 22 of the PDF now. 21
- 22 Q. Do you see at the bottom Grants and Contracts?
- 23 A. Yes.
- 24 Q. Okay. And so is this a document that you --
- 25 that you've prepared as part of your dossier?

1 A. Yes.

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2 Q. And is this one of the documents that you had 104

- 3 some students help with the formatting on?
- 4 A. Yes, I believe so.
- 5 Q. Going down, there's -- on page 35 of the
- dossier, there's what looks like an e-mail from the
- Mathematics of Operations Research, dated
- September 29th, 2017. Do you know why this was included
- 9 in the dossier?
- 10 A. Yes.
- 11 Did you want me to elaborate?
- 12 Q. Oh, yes. Sorry. Yes. Can you elaborate on
- what this is? 13
- 14 A. Yes. So I think there was a question about
- 15 this journal publication which was accepted for
- publication but was not yet officially hit the print. I
- was asked to provide an e-mail just, you know, as
- evidence that it was a bona fide paper that was accepted
- 19 for publication.
- 20 Q. Understood.
- 21 Okay. And then on the next page, on
- 22 page 36 of the PDF, we get into a series of tables with
- things like research summaries and grants and contracts
- awarded. Do you see that? 24
- 25 A. Yes.

- A. Yes. 1
- 2 Q. Okay. Is this -- is this something that you
- had some students help with the formatting, like you 3
- were referring to earlier? 4
- 5 A. Yes, I believe so.
- Q. And so then we get to -- on page 26 of the
- PDF, which is the -- this is more for the record; but
- the one that says 329 in the bottom right. It's the
- Candidate's Summary of Activities. Do you see that?
- 10 A. Yes.
- 11 Q. And so is this -- is this another -- this is a
- 12 chart. Did you generate this chart?
- 13 A. Yes, I believe so. So I think I was given a
- 14 template and probably the chart was in the template and
- I just had to fill in the values in the second column. 15
- 16 Q. Perfect. Thank you for clarifying that.
- 17 And then you've got on the next page a
- Complete reverse chronicle -- chronological list of
- publications and scholarly/creative works? 19
- 20
- 21 Q. Do you see that on page 27 of the PDF?
- 22
- Q. And is this another one of the documents that 23
- 24 you helped -- or that you prepared as part of your
- 25 dossier?

- Q. And so is this all -- is this part of the
  - 2 stuff that you prepared for your -- for your
  - contribution to your dossier?
  - A. Yes.
  - 5 Q. Okay. And then the next part of the document
  - is the Budget Council Assessment on Teaching
  - 7 Performance, which it starts on page 38. Do you see
  - 8 that?
  - 9
  - 10 Q. Can you tell me, how does this part of the
  - 11 process work in terms of having people on the Budget
  - Council perform an assessment of your teaching
  - 13 performance?
  - 14 A. So I was not aware at all about this part of
  - 15 the dossier. In fact, I didn't -- I hadn't heard the
  - phrase Budget Council until after the fact. I didn't
  - know what it meant. I had never heard it, and I didn't

  - know that it was part of the tenure and promotion
  - 19 process.
  - 20 After I submit my documents, research
  - statements, teaching statements, service statements, and
  - so on, the Budget Council then prepares mirror versions
  - of these documents in the sense that they write their
  - own assessment of my teaching, research, service.
  - et cetera. So I learned that later.

1 Q. So at the time you were preparing your

- 2 dossier, you weren't aware that there were other people
- 3 that would be doing an assessment of your dossier as
- 4 part -- or, I guess, of your credentials as part of the
- 5 dossier?
- 6 MR. SCHMIDT: Objection, form.
- 7 A. I was not aware that there would be written
- 8 assessments of this form. I remember Sanjay mentioning
- 9 something about it; but, again, it wasn't totally clear
- 10 to me that this was what was happening. But he said
- 11 something like, "Oh, somebody who is preparing something
- 12 about your research is asking for some detail; and can
- 13 you tell me -- can you elaborate on that part of your
- 14 research?" And so I elaborated that to him. And he
- 15 said, "Okay. Great. Thanks." So that is kind of the
- 16 extent of my awareness.
- 17 Q. And on page 42 of the PDF, you include your
- 18 Teaching Statement, correct?
- 19 A. Yes.
- 20 Q. Do you -- when you were preparing your
- 21 Teaching Statement, did you consult with anyone about
- 22 what type of information you ought to include in this?
- 23 A. Yes. I sought help from as many colleagues as
- 24 I could. I wanted to be well informed and well prepared
- 5 for it. I sought out sample Teaching Statements from my

- 1 performance than we expected from the appointed TAs,
  - 2 which we diligently tried to improve through increased
  - 3 communication in the weekly staff meetings. I believe
  - 4 that was the key factor for lowering my instructor and
  - 5 course evaluations."
  - 6 First of all, did I read those sentences
  - 7 correctly?

8

- A. Yes.
- 9 Q. So what happened with the TAs in those
- 10 courses? Can you elaborate on this a little bit and
- 11 explain to me what happened?
- A. Yes. Yeah, relative to many of the courses in
- 13 the ECE curriculum, EE 360C, which is undergraduate
- 14 Algorithms mathematical course; and it includes as part
- 15 of the course instruction and part of the student
- 16 evaluation through homework and exams. And the problems
- 17 with the assignments is the students have to write
- 18 mathematical proofs, and this is something that they're
- 19 expected to know. They're required. There is a course
- 20 requirement of them having taken a prior course on
- 21 mathematical proofs, but many students are not
- 22 comfortable with this. They are not familiar; and that
- 23 includes TAs, the TAs that we had, which are
- 24 undergraduate and graduate students. Many just don't
- 25 have sufficient familiarity and background with writing

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- colleagues, Alex Dimakis, Constantine Caraminis, so that
- 2 I can see example statements of successful tenure cases.
- 3 I don't remember if I had a conversation
- 4 that -- where someone specifically told me: This and
   5 this and this is what needs to be included. So I
- 6 basically took those example statements, and I extracted
- 7 what I expected the structure of the statement to be and
- 8 the contents.
- 9 I remember Sanjay telling me it's
- 10 important to include a paragraph on student comments, on
- 11 student evaluations; and that's where I included that
- 12 paragraph on student evaluations right before Section 3
- 13 on the Teaching Statement. But, basically, I took my
- 14 colleagues' statements as an example. I wrote mine and
- 15 then I e-mailed it to a couple of colleagues and I
- 16 solicited feedback to see if it can be improved.
- 17 Q. Well, let me draw your attention to the
- 18 comments from student evaluations, just since you
- 19 brought it up; and that's on page 44 of the PDF. Let me
- 20 know when you're there.
- 21 A. I'm there.
- 22 Q. Okay. And so in this section you say, "In two
- 23 of the semesters I taught the course (Fall 2016 and Fall
- 24 2017) the available TA candidate pool was especially
- 25 limited. That issue was coupled with even worse

- 1 mathematical proof and just general, you know, knowledge
  - 2 of algorithms, the course content. So that's what I was
  - 3 referring to here.
  - 4 Q. Yeah. What's the division of labor between
  - 5 the professor teaching the class and the TAs?
    - A. So I --

6

8

- 7 (Simultaneous speakers.)
  - Q. No. Sorry. Go ahead. Sorry.
- 9 A. Yeah. When I came into UT and I was about to
- 10 teach the course for the first time, I had presented a
- 11 question because I didn't know what was appropriate to
- 12 delegate to TA of what the course instructor does. And
- 13 so I had that discussion with Professor Christine
- 14 Julien, who had been teaching that course before I
- 15 taught it for the first time. In fact, I was supposed
- 16 to co-teach it with her; and I was really excited I
- would able to kind of learn from her on those aspects;but she ended up not being able to teach it that first
- 19 semester with me.
- 20 In any case, she sort of told me what she
- 21 does; and I tried to follow what she does, which was to
- 22 delegate the -- I believe you're going to refer later on
- 23 to some of the homework and programming assignment
- 24 preparation to the TAs, as well as grading; and they
- 25 were also grading weekly, homework weekly, short

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1 guizzes. They assisted with grading exams. Yeah. So,

- 2 I mean, basically they were there to ensure the smooth
- 3 running of the course and to assist the instructors with
- the smooth running of the course.
- 5 Q. So when -- I guess going back then to just
- 6 sort of the general timeline, so did -- to whom did you
- 7 submit your dossier materials when you felt that they
- were done?
- 9 A. I solicited feedback from different faculty on
- the different documents. So I submitted my Research 10
- 11 Statement to some, my Teaching Statement to others, just
- 12 not to overwhelm any one faculty with too many
- 13 documents. And the Teaching Statement I solicited
- feedback from Christine Julien, as I mentioned. That 14
- 15 was the closest person I felt could advise me well on it
- 16 as well as Gustavo de Valeciano.
- 17 Q. And so after you got their feedback, did they
- send you proposed edits; or was it more like, "Here's 18
- some pointers" and they didn't try to make actual 19
- changes to drafts? 20
- A. No, I never heard back from them. 21
- 22 Q. Oh, okay.

2 process worked?

3

- 23 A. And I was somewhat disheartened about it, and
- I just figured they were busy and didn't really push it. 24
- 25 Q. What about the -- what about the sending in of

- or the would-be reviewer?
  - 2 A. Once the statement is prepared, my
  - understanding there is that the Chair submits it to the
  - Dean's Office; and the Dean needs to approve it before
  - the Chair then solicits the letters.
  - Q. I see. Okay. So it's your understanding that
  - 7 the Chair is the one who actually reaches out to the
  - various persons that have been identified?
  - 9 A. Yes.
  - 10 Q. Okay. But in any event, the professors who
  - are sending these letters, they don't just send them in
  - 12 on their own volition. They're all letters that were
  - solicited by the Chair of the Department? 13
  - 14 A. Yes. On this list, yes.
  - 15 Q. Okay. So once the dossier materials have been
  - finalized, do you send, like, a PDF to someone and say,
  - "Here's my contribution to the dossier?" How does the
  - 18 actual submission process work?
  - 19 A. So we had a promotion meeting for all
  - 20 promotion candidates and their mentors and the
  - Department Chair before the official start of the
  - process. The Department Chair introduced us to a lady
  - called Jilda, and he said that she would be assisting
  - all the promotion candidates with their dossiers. She
  - was sort of the guard of procedures and rules and

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A. Sure. I was asked by the Chair,

Professor Tewfik, to prepare a document that listed all

1 external review letters? Can you tell me about how that

- 5 the letter writers that should be asked for letters or
- would be good candidates to ask for letters; and they
- were the result of discussions between my mentor, Sanjay Shakkottai, and me. So it was: Some names would come
- from me, and they were labeled as candidate names. And
- some names would come from Sanjay, and they were labeled 10
- 11 as department names.
- Q. Actually -- okay. Well, go to page 85 of the 12
- 13 PDF; and this may help demonstrate what you just said.
- Are you there? 14
- 15 A. Yes.
- Q. Okay. So like the letter at the top, the 16
- first one says, "Nominated by Department." Do you see 17
- 18 that?
- A. Yes. 19
- 20 Q. So that would be an example of when the
- 21 Department reached out to that particular professor; is
- 22 that correct?
- A. They -- the Department did not necessarily 23
- 24 reach out, but the Department suggested the name.
- 25 Q. I see. So who actually contacts the professor

- regulations, and so they were advising us on all the
- documents that need to be submitted.
  - So we were interacting with her. Each
- candidate was interacting with her. So we would send
- her things; and then she would send things back saying,
- "Oh, you have missed a comma here and a period there;
- and you need to change the format of this or that." So she was -- it was her responsibility as the keeper, I
- guess, or the guardian that the rules are met for the
- formal formatting and so on of the document. 10
- 11 So, basically, I was interacting with
- 12 Jilda on all of the documents; and I would send her
- 13 copies of everything. And then she would -- she would
- also offer edits. So she actually had read my Teaching 14
- 15 Statement; and she offered some minor wording edits, I
- think, on grammar and to just improve the flow of the
- language. And I -- so we had multiple back and forth; 17
- and then I would keep asking, "Okay. Is there anything
- 19 else that needs correction?"
- 20 And so whenever she said, "Okay. It
- looks good now," that was the final. And so I have --
- you know, I have a big DropBox folder with many, many
- versions of documents; and then I made up a folder with the final that I had sent to her, to be able to keep
- track. So she was the interface, basically, with me in

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1 the -- this whole tenure process.

- 2 Q. And do you remember -- do you remember
- 3 approximately when it was like, "It's done," like, where
- 4 the dossier is final; all the edits are finished?
- 5 A. So there -- we had initial deadlines; and I
- 6 was very keen on getting everything done early before my
- 7 daughter was born because I was expecting my daughter,
- 8 my second child, on June 30 of that summer of 2019. And
- 9 she actually was born on June 13, two and a half weeks
- 10 early. And so I had given myself a deadline to be done
- 11 with all the documents by late May.
- 12 And I asked Jilda -- I said, "You know, I
- 13 understand these deadlines are later; but would you
- 14 please work with me to ensure that my documents are in
- 15 order by the end of May?" And I believe it stretched
- 16 out into the beginning of June. And so she worked with
- 17 me to get that finalized by the end of June [sic.] And
- 18 at some point I said, "Okay. Is that all? Is that all?
- 19 Is that all?"
- 20 And then she said, "Okay. You are all
- 21 set and done. We have everything you need." But I
- 22 guess that was not the final, final. I think that's
- 23 kind of what you're asking, because there were inquiries
- 24 later in the summer that we discussed earlier today.
- 25 Q. Okay. And do you remember when the Budget

- 1 process before her assessment letter came out?
  - 2 A. I never spoke directly to her, but
  - 3 Professor Tewfik spoke to her about my case in the

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- 4 spring prior to my officially starting the tenure
- 5 process.
- 6 Q. And what did Professor Tewfik relay to you
- 7 about his conversation with her, if you can remember?
  - A. Yeah. To the best of my recollection, he said
- 9 that she had asked about certain publications on my CV
- 10 and she asked him whether they're highly competitive or
- 11 prestigious or something to that effect. And then she
- 12 asked for an additional document to these summary sheets
- 13 that I mentioned, which was a document dedicated to
- 14 funding. So I had to then go and write a detailed
- 15 document on funding. And he said to me that basically
- 16 she kind of questioned the publications and she -- and
- 17 he told me that she was neutral.
- 18 Q. Neutral --
- 19 A. And I was -- he said, "The Dean is neutral on
- 20 your case." And I didn't know what to make of it. I
- 21 mean, it was the first -- it was the first such
- 22 discussion and occurrence in my life, in my career. So
- 23 I didn't even know what to make of it. And my
- 24 understanding was that she wasn't familiar with my
- 25 publication venue and that once she understands the

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- 1 Council assembled to vote on the actual merits of the
- 2 promotion case?
- 3 MR. SCHMIDT: Objection, form.
- A. I believe it was September of 2018. I don't
- 5 recall the exact date.
- 6 Q (BY MR. DOWER) And do you recall how much
- 7 time went by between the Budget Council vote and then
- 8 the College/School Advisory Committee?
- 9 A. I believe -- and I don't think I was informed
- 10 of that during the process. To me, at the time it was
- 11 like a black box, where I just -- I was told about the
- 12 department vote because the Chair wrote me about it. He
- 13 said, "It's a strong vote. And, you know, I'll need
- 14 your assistance with my promotion letter for you." But
- 15 from then on it became a black box, and I was expecting
- 16 to only learn the outcome in February when the
- 17 President's Committee's done; but I, sadly, learned, you
- 18 know, the negative outcome earlier than February.
- 19 Q. Well, let's -- let's talk about that. I'm
- 20 assuming from the context, by "negative outcome," you
- 21 mean Dean Wood's assessment of your tenure case? Is
- 22 that what you're referring to?
- 23 A. Yes.
- Q. So before we talk about her assessment letter,
- 25 did you ever speak to her at any point during the

- 1 nature, that, you know, they're high-quality
  - 2 publications, then, that would -- she would become
  - 3 positive.
  - 4 Q. And where did you form that opinion, right --
  - 5 I guess, how did you inform that opinion?
  - 6 A. It was just my understanding from my
  - 7 conversation with the Chair regarding what concerns she
  - 8 had brought up in that conversation.
  - 9 Q. Did you -- prior to Dean Wood's assessment
  - 10 letter coming out, did you get any sort of advanced
  - 11 notice that it might not be favorable?
  - 12 A. No, I never did. It came as a huge shock.
  - 13 Q. How did you -- how did you learn that she had
  - 14 written a letter that was -- that said that she didn't
  - 15 believe your performance met expectations for early
  - 16 promotion?
  - 17 A. I'm sorry. I'm starting to tear up.
  - 18 Q. No, that's fine; and if you need to take a
  - 19 moment, please feel free.
  - 20 A. I had a voice conversation with
  - 21 Professor Tewfik over the phone. He e-mailed me right
  - 22 after Thanksgiving; and I actually remember that because
  - 23 we had just had a really, really nice family
  - 24 Thanksgiving with my in-laws, with Jimmy's parents. And
  - 25 his mom had -- his mom, who does energy healing and card

Appx.0501

1 reading -- card reading and things like that, just for

- 2 fun, like, I had asked her to do a card reading for me;
- 3 and she said, "Oh, your daughter,", is here to
- 4 help you heal from a loss." And I was very puzzled
- 5 because I was really, like, content with my life until
- 6 that moment. And I -- and I thought that it meant the
- 7 loss of my mom, who had passed away many years prior, in
- 8 2008, and I kind of took it like that; and I didn't
- 9 think much of it.
- 10 And shortly after -- right after
- 11 Thanksgiving, I received an e-mail from Chair Tewfik
- 12 saying, "I need to speak with you urgently. What's a
- 13 good time?" And I said -- I think he said Tuesday or
- 14 Wednesday of that week following Thanksgiving.
- 15 And I said, "Well, I'm available both
- 16 days. Wednesday would be preferable, but I'm available
- 17 both those days."
- 18 And he said, "Okay. I'll call you on
- 19 Tuesday at 9:00 a.m.," or something like that. I'm not
- 20 sure if it was 9:00 a.m. or what time.
- 21 And so we had a phone conversation. And
- 22 in that conversation he said, "I'm sorry. You know, I
- 23 have bad news for you. The Dean has written a negative
- 24 letter for you. We have to -- we have to find out what
- 25 it is. I haven't seen the letter. You'll need to speak

- 1 role -- you mean Sanjay?
  - 2 Q. Yeah.
  - 3 A. It was specifically because of his being a
  - 4 member of the P&T Committee. From what I understand,

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- 5 the P&T Committee had to swear or legally take an oath
- 6 or something that they would not disclose P&T
- 7 discussions, something like that. It was my
- 8 understanding, at least.
- 9 Q. Have you -- or did you speak to Dean Wood
- 10 about the substance of her letter after it came out?
- 11 A. No, I didn't.
- 12 Q. Have you ever spoken to Dean Wood about her
- 13 recommendation?
- 14 A. No, I haven't.
  - Q. I'm going to upload another document, one,
- 16 thankfully, considerably smaller than the last one.
- 17 This has already been marked as Exhibit 7.
  - (Exhibit 7 discussed.)
- 19 A. I have it open.
- 20 Q (BY MR. DOWER) Okay. So it's my
- 21 understanding that this is a document that you drafted
- 22 as a rebuttal to Dean Wood's assessment; is that
- 23 correct?

15

18

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- 24 A. Yes, yes.
- 25 Q. Do you remember what -- what led you to draft

1 to Carmen Shockley to see if you can get hold of the

- 2 letter so we can see how to address it."
- 3 Q. And so what did you do next?
- 4 A. I reached out to Carmen Shockley. I had a
- 5 phone conversation with her; and I asked her, "What is
- 6 the process for obtaining the Dean's letter?"
- 7 And she said, "Just e-mail me and I'll --
- 8 just e-mail me; and I'll e-mail it back to you as an
- 9 attachment," which she did.
- 10 So I immediately forwarded the letter to
- 11 Ahmed and to my official mentor, Constantine Caramanis.
- 12 I don't recall if I forwarded it to anyone else. I may
- 13 have forwarded it to Brian Evans. Ahmed at that time
- 14 had mentioned that Brian Evans was working the CCAFR
- 15 Committee. So I thought he may be able to advise me on
- 16 next steps, I guess.
- 17 I also reached out to Sanjay Shakkottai;
- but he said to me, "I'm sorry. Since I served on the
   P&T Committee, I cannot further -- I cannot legally --
- 20 I'm legally bound; and I cannot discuss anything with
- 21 you. So please reach out to Constantine." So that's
- 22 what I did.
- 23 Q. Is that because he presented your case, or
- 24 do you know?
- 25 A. No. It was specifically because of his

1 this document? I mean, obviously, her assessment; but

- 2 did you -- were you advised that this was a good idea
- 3 or -- so what's the origin of this?
- 4 A. Chair Tewfik had told me that I can do a
- 5 rebuttal. I believe Carmen Shockley also told me that,
- 6 and she told me that I had a deadline of December 15 to
- 7 submit a rebuttal that would correct any actual,
- 8 mistakes and so on, and that it would become a part of
- 9 my promotion file; and it would be considered by the
- 10 President for the final decision.
- 11 Q. And so did you -- and I guess you drafted
- 12 this between when the Dean's letter came out and
- 13 December 15th, then?
- 14 A. Yes.
- 15 MR. SCHMIDT: Ben, I'll mention that if
- 16 in the next ten minutes or so we could take a break, I'd
- 17 appreciate that.
- 18 MR. DOWER: Yeah.
- 19 MR. SCHMIDT: Whatever's a good time for
- 20 you.
- 21 MR. DOWER: No, I appreciate that. Why
- 22 don't we just take the break now? That's fine with me.
- 23 Let's just break now.
- 24 MR. SCHMIDT: All right. Thank you so
- 25 much.

122 124 THE REPORTER: We're going off the record 1 anybody else myself. 2 at 2:06 p.m. 2 Q. Did you reach out to anyone else outside the 3 (Off the record from 2:06 to 2:15 p.m.) 3 university? A. Yes, I did. 4 THE REPORTER: We're going back on the 4 5 5 Q. Who did you reach out to outside of UT? record at 2:15 p.m. 6 Q (BY MR. DOWER) So after you submitted the A. I reached out to two female professors to ask 7 rebuttal to Dean Wood's assessment, what was the next 7 them about gender bias in teaching evaluations and pregnancy bias in teaching evaluations; and those were thing you heard as far as the tenure process was 9 concerned? Professor Amy Grave, I believe, and Professor Andrea A. The next official thing was the president's 10 10 Liu. I also reached out to a personal friend of mine 11 decision, which I heard around mid-February 2019. who was a professor of economics at Texas A&M, also, to 12 Q. And you said the next official thing. So I'd ask her what her experience had been with teaching 13 better ask: Was there anything unofficial that happened evaluations while she was pregnant; and she got back to 14 between those things as far as the tenure process was me and told me that she had noticed a dip in her 15 concerned? teaching evaluations both times she had been pregnant. 16 16 Q. Let me go ahead and upload another exhibit. I A. Sure. I had a conversation with Sanjay Shakkottai where I guess he sort of gave me the 17 think we're on 82 now. 17 opportunity to vent. He knew it was really hard on me. 18 (Exhibit 82 marked.) He didn't really say much because he had already told me 19 THE REPORTER: And may I ask for a 20 that he cannot, I guess, say stuff, being legally bound 20 spelling while you're doing that? from his role on the P&T Committee. So it was more him 21 MR. DOWER: It's fine with me, Debbie, If 22 letting me vent. 22 you're asking me; maybe you're not, but... 23 And then I reached out to him around 23 THE REPORTER: Yes. 24 24 January. I believe he told me, also, that there would MR. DOWER: Okay. Yes, please. be time before the President's decision where the 25 THE REPORTER: I think you said one of 123 125 1 Department can intervene or somehow kind of submit more 1 the professors you reached out to, her first name was 2 support in my behalf. And at some point I e-mailed him 2 Andrea. What was the last name? 3 and I asked, "Do you think the Department can prepare a THE WITNESS: Liu, L-I-U. petition on my behalf, just to show there's strong 4 THE REPORTER: Thank you. 5 THE WITNESS: And I may be off on some of 5 support for my case?" 6 And I -- at that point he said, well --6 these names. 7 I don't remember exactly what he said -- but it was 7 MR. DOWER: Well, the document that I'm something to the effect that he didn't think a 8 uploading may be one of the people you were just petition -- not he, but he had reached out to a couple mentioning, in which case the document will have the name spelling; but maybe not. Oh, wait. No, this is a 10 other colleagues and they didn't think that a petition 11 would be appropriate, but not to worry because there UT Austin person. So, no, this would not be one of the should be time where, before the President makes the 12 outside-of-UT people. 12 13 official decision, there would be room for the 13 A. Okav. I have the -- one -- the -- yeah. 14 Q. (BY MR. DOWER) Okay. So if we start at the 14 Department somehow to further advocate on -- on my 15 behalf. 15 bottom, this was an e-mail you sent on November 27th, 16 Q. And I'm sorry. I lost track of the speaker. 2018. I'm referring here to the first line Was that Sanjay Shakkottai who said that? 17 17 chronologically, which is, you know, the bottom one in 18 A. Yes. 18 the thread. Do you see that?

Appx.0503

Q. Okay. And so this is -- this is an e-mail you

Q. And you introduce yourself and explain that

21 sent to a faculty member, it looks like, in the -- at UT

Austin in the Civil, Architectural and Environmental

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A. Yes.

A. Yes.

23 Engineering Department?

19

21

22

23

behalf?

Q. Okay. And did you e-mail anyone in the

department to see whether they'd be willing to put

A. I believe I only e-mailed Sanjay and he had --

he reached out to, I think, a couple other people, not

many. So I didn't -- I don't think I reached out to

together sort of a petition or a statement on your

1 you've not met; and you say, "I'm trying to gather some

- 2 data on female faculty at UT who have had -- who have
- 3 had children during their faculty careers and see if it
- 4 had an effect on their teaching evaluations. Would you
- 5 mind sharing with me if you had children and if you
- 6 experienced any dip in your teaching evaluations during
- 7 or after your pregnancy/pregnancies?" Other than a few
- 8 stutters, did I read that correctly?
- 9 A. Yes.
- 10 Q. I'm curious. If you hadn't met her, how did
- 11 you identify -- I'm going to butcher the name --
- 12 Dr. Leite as someone that you might ask this question?
- 13 A. I got her name from my Chair, from
- 14 Professor Tewfik.
- 15 Q. Oh, okay. What did -- what did he --
- 16 A. I had --
- 17 Q. -- say about her?
- 18 A. Yeah, I'm sorry to interrupt you.
- 19 In one of the conversations we had after
- 20 we read the Dean's assessment and see that teaching
- 21 scores were a prominent reason for her decision not to
- 22 promote me, I remembered a conversation I had had with
- 23 one of the UT faculty members that pregnancy may have an
- 24 effect on teaching scores, where women who are pregnant
- 25 may get lower teaching scores themselves, their own

- 1 received news of tenure. She was born April 2016. I
  - 2 was on Modified Instructional Duty (MID) in Fall 2016
  - 3 and so went back to teaching when she was nine months

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- 4 old. Honestly, I did not see any difference in my
- 5 teaching evals. The only rough part was restarting with
- 6 a two-course semester. It would have been a smoother
- 7 transition if I'd gone from zero (MID semester) to one
- 8 course/semester, then back to two." Did I read those
- 9 sentences correctly?
- 10 A. Yes.
- 11 Q. And so then you respond and you say, I --
- 12 again, I shouldn't paraphrase. "Many thanks for sharing
- 13 your experience and thoughts on the issue. I am not yet
- 14 doing a full-fledged study, though it may be worth
- 15 pursuing in the future. I do for sure agree that the
- 16 equal modified instructional duty for female and male
- 17 faculty that is meant to not introduce gender
- 18 discrimination, actually introduces one. And great to
- 19 know that other schools have actually taken this into
- 20 account and have tried to balance things better." First
- 21 of all, just for the record, did I read that part
- 22 correctly?
- 23 A. Yes.
- Q. So let me ask you: When you say that the
- 25 Modified Instructional Duty for female and male faculty

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- 1 trends, than if they were not pregnant.
- 2 And so I shared that with Ahmed. And
- 3 because the Dean, you know, made the fairly key point of
- 4 my lowest teaching score of 3.7; and that occurred while
- 5 I was pregnant. And so I just shared that with Ahmed;
- 6 and Ahmed said, "Well, why don't you reach out to some7 women and ask them if they experienced it? Two women
- 8 that I can think of are Christine Julien from our
- 9 department and this lady from the Civil Engineering
- 10 Department, Fernanda Leite." So he gave me the name and
- 11 I looked her up and I e-mailed -- I sent her an e-mail.
- 12 Q. Did you also reach out to Dr. Julien?
- 13 A. Yes, I did. I sent an e-mail to her.
- 14 Q. Do you remember what she said in response; or
- 15 did she respond --
- 16 A. I believe --
- 17 Q. -- for that matter?
- 18 Go ahead.
- 19 A. I believe Christine told me she had never
- 20 heard of this before and that she didn't think she had
- 21 experienced that herself.
- Q. Okay. And so Dr. Leite responds and says that
- 23 she was on Modified Instructional Duty -- well, you know
- 24 what? I shouldn't paraphrase this. I should just -- so
- 25 it says that, "My daughter was born shortly after I

- 1 that is meant to not introduce gender discrimination
- 2 actually introduces one, what are you referring to
- 3 there?

- 4 A. I'm referring to the fact that it makes
- 5 the -- it's -- rather than levelling the playing field,
- 6 it makes -- it does the opposite.
- 7 Q. And how so?
  - A. By the fact that women who give birth go
- 9 through a lot of physical, mental, hormonal, emotional,
- 10 et cetera, changes that men do not go through simply
- 11 because they do not give the physical birth of a child.
- 12 Women who give birth, for one, you know, need to be in
- 13 the hospital giving the birth; but then for a period
- 14 leading up to and then after, have -- very essentially,
- 15 you know, similarly to -- you know, they're partially
- 16 disabled. They have to be -- let me speak for myself
- 17 because every woman is different; and we can, of course,
- 18 talk about the average case.
- 19 But, you know, I had to be on bedrest. I
- 20 was bleeding for a long period of time. It was an
- 21 actual physical wound that had to be healed. I was not
- 22 sleeping. I was nursing my child, my baby. I remember
- 23 the first two weeks after the pregnancy were incredibly
  24 physically strenuous because for the first two weeks I
- 25 was told that I have to force the baby to nurse. The

1 baby wouldn't naturally nurse, and they basically may

2 not wake up if they are not given proper nutrition.

3 So I had to make the baby eat. I had to

- 4 kind of force feed the baby. I had to force -- wake
- 5 them up from sleep, and I had to do that every three
- hours. And what I learned was that the actual feeding
- from kind of waking up the baby and preparing to breast
- feed and so on, until the time they are done taking
- those few drops of breast milk, takes an hour. 9

10 And so we were on a -- you know, on a

- 11 two/one schedule where it's an hour of nursing, two
- 12 hours off; one hour of nursing, two hours off. And
- 13 this goes on 24/7 without any break. I need to sleep.
- 14 I need to get that sleep in the -- you know, in the two
- 15 hours between every... And that was incredibly,
- 16 incredibly physically strenuous.
- 17 It got a little bit easier over time;
- 18 but, you know, in the process you get -- I got sore
- nipples where it was terribly painful from the nursing. 19
- So I had to kind of balance recovering my nipples with 20
- 21 breastfeeding the baby. It was just so many things.
- 22 The sleep deprivation was incredible, just exhaustion
- 23 from the whole process was incredible.
- 24 My husband always wanted to be very
- 25 helpful and he would help with whatever he could, with

- 1 semester discriminate against women?
  - 2 A. So it's a basically neutral policy which, on
  - 3 the surface, seems to be -- to seek out equality for men
  - and women; but it does the opposite. And that may be
  - 5 better understood by an analogy. So let's take the
  - analogy of handicapped people for whom now, you know, by
  - 7 law, there have to be ramps everywhere. And let's just
  - take a handicapped person and a healthy, non-handicapped
  - person. You know, by "handicapped," I mean, like,
  - somebody who has no legs and cannot walk upstairs.

11 So let's imagine that they are both told,

- you know, "Here is equality for you. You have to both
- go up this flight of stairs. The rules are equal for
- both of you." So this is equality. "Is it fair" is
- another question, right? So the question of equity is
- 16 quite different.

17 So it's quite similar with the same idea,

- 18 providing essentially equal time off of teaching for
- female and male faculty. The female faculty has to
- actually -- they need the time to physically heal from
- the process of birth and recover as best they can to be
- able to, you know, come to a point where they are
- 23 actually able to work. Whereas, for the male faculty,
- it is a much less strenuous. I mean, they don't need to
- go through physical recovery except for some sleep

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- 1 diaper changes and so on; but that was not enough. Even
- 2 if I didn't do anything else but just nurse, that was
- 3 incredibly, incredibly physically tolling and not just
- physically, but mentally and emotionally. Your whole
- 5 being is sort of engaged, and my brain -- I don't even
- 6 know. I don't know that I really had time to think
- about what my brain -- what the state of my brain was. You know, maybe one could say it was like mashed 8
- 9 potatoes.

10 But I know for sure that my husband

- 11 didn't have that. He was able to focus on things. He
- was able to read e-mails, and he was able to work during 12
- 13 the time. Whereas, for me, it was really like survive.
- I was on survival mode without anything else, just 14
- 15 taking care of the baby and myself.
- 16 Q. Well, first of all, thank you for sharing
- that; and I know that was a little bit personal and 17
- probably not comfortable sharing with a complete
- stranger. So I appreciate that, and I just want to 19 20 acknowledge that.
- 21 Let me follow up on one piece of this,
- which is that the Modified Instructional Duty policy
- 23 discriminates; and I understand what -- you know, I
- 24 understand your testimony. I guess my question is: How does the policy of allowing people not to teach for a

- 1 deprivation and some time with the baby and time
- 2 changing diapers to whatever extent they do it; but
- they're able -- my husband was able to work the entire
- time I was taking to just recover from the pregnancy and
- 5 caring for the baby.
- 6 And I know for male faculty -- in fact,
- one friend of mine told me, a professor at Columbia
- university, he said for -- "Everyone knows -- everyone
- knows that the" -- how did he call it -- Parental Leave,
- because at Columbia it's a leave, not MID. "Everyone
- knows the Parental Leave semester is for research only,"
- as in, they should not be touched for teaching or
- service or anything else. And so he just said it as:
- 14 Of course, duh, it's for research only.

15 And my -- at UT my experience has been

- 16 different. I don't know. I haven't really had the
- conversation with other male colleagues; but I assume
- that all male colleagues who had a baby researched,
- never stopped doing research in the semester their baby
- was born or the semester they took an MID. And I would
- guess that with other -- without other distractions of
- teaching, they actually were able to focus and do more
- research, while the female faculty were just trying to
- survive and get back to a point where they're able to
- regain the research momentum and carry on.

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1 Q. And just to be clear, you don't have any

- 2 personal knowledge about what male faculty do on, you
- 3 know, paternity leave at UT, correct?
- 4 A. I have not discussed that very question with
- 5 any of my male faculty, but I could see just from
- 6 department e-mail exchange that they are active in the
- 7 semester they have babies.
- Q. So you're responding to department e-mails; is
- 9 that what you're meaning?
- 10 A. Yes, yeah; but that's something that I would
- 11 love to know. I mean, that's one thing I would love to
- 12 know is how much male faculty traveled for professional
- 13 work meetings right after having a baby.
- 14 Q. So I guess one question I might ask is:
- 15 What's the solution? Should UT abolish paternity leave?
- 16 MR. SCHMIDT: Objection, form.
- 17 A. Definitely not.
- 18 Q. (BY MR. DOWER) Okay.
- 19 A. Definitely not. So I think it's really
- 20 important and incredibly positive for men to get MID and
- 21 for men in general -- there is a trend, I think, in the
- 22 whole of U.S. which is really for men to receive
- 23 Parental Leave. That's incredibly positive, but how
- 24 much a man gets versus a woman is a different story.
- 25 For example, if you allow me to read the second half of

- 1 balance things better."
  - 2 Q. Okay. So it sounds like you're suggesting
  - 3 that one way that universities could avoid the -- the
  - 4 impact that you're hypothesizing where women, mostly
  - 5 because of physiological reasons, are not able to work
  - 6 while they're out on leave and men are, would be to
  - 7 adopt different standards for men and women in terms of,

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- 8 like, leave and things like that. Is that fair?
- 9 A. Correct, yeah. I feel that -- I strongly feel
- 10 that men should get MID. I think that's been really
- 11 positive in the overall culture in the U.S. for men to
- 12 start balancing the baby care and household, you know,
- 13 responsibilities more with women. I think men have
- 14 overall increased spans of responsibility and duty and
- 45 desire this end of the second
- 15 desire. I think many men have the desire to be more
- 16 closely involved with bringing up their babies. So I17 think MID is very critical to be given to men as well;
- 18 but women having two MIDs versus men having one, I think
- 40 months and a second and the second at the second at the second at
- 19 would be an excellent modification to make the playing
- 20 field more level, like it's intended to.
- 21 Q. All right. I think we're done with this
- 22 document, so you can close out of that.
- 23 Okay. So then shifting gears back to
- 24 our -- you know, sort of the timeline, let's go ahead
- 25 and talk about how -- how did you first learn that

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- 1 the e-mail from Fernanda, I think there's a really good
- 2 suggestion there; and this is what I was responding
- 3 from.
- 4 Q. Okay. So she says, "I know of peer schools
- 5 that women get two semesters of Modified Instructional
- 6 Duty and men get one." Is that what you're referring
- 7 to'
- 8 A. Yeah, may I -- may I read the last couple from
- 9 where you left off?
- 10 Q. Sure, sure. Go ahead.
- 11 A. Yeah. So she says, "The only rough part was
- 12 restarting with a two-course semester. It would have
- 13 been a smoother transition if I had gone from zero to
- 14 one, then back up to two. I feel like women tend to
- 15 have a rougher transition back than male colleagues who
- 16 have kids and also take MID. I know of peer schools
- 17 that women get two semesters of MID and men get one,
- 18 which sounds much more reasonable if you actually have
- 19 to give birth and breast feed/pump."
- 20 And I wrote back to her in response to
- 21 that, "I do for sure agree that the equal Modified
- 22 Instructional Duty for female and male faculty that is
- 23 meant to not introduce gender discrimination, actually
- 24 introduces one. And great to know that other schools
- 25 have actually taken this into account and have tried to

- 1 President Fenvis had decided not to grant you tenure in
  - 2 February 2019? And I recognize that this may be an
  - 3 emotional topic -- and I apologize -- but, you know,
  - 4 it's central to the case, so we've got to talk about it.
    - A. I learned -- yeah, no problem. I thank you.
    - I learned in a phone conversation with
  - 7 Chair Tewfik.

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- Q. Can you relay that, what that conversation
- 9 was, just what you can recall of it? I know it's been a
- 10 couple of years.
- 11 A. I recall that I was at the airport, flying
- 12 back from a conference. I had been to a conference in
- 13 San Diego, giving a presentation; and I was flying back
- 14 that Saturday morning, whatever the date happened to be,
- 15 I think around February 16 or 17. And that Saturday
- 16 morning the Chair had alerted me. Had he known the
- 17 President's decision either the night before or that
- 18 same morning. I don't remember. And we spoke basically
- 19 Saturday morning, and it was a very short conversation.
- 20 And he just said, "The President has decided not to
- 21 promote you. The President's decision is not to promote
- 22 you. I'm very sorry about that."
- 23 And I said, "Oh, I'm disheartened to hear
- 24 that."
- 25 Q. At that point had you already -- were you

Appx.0506

1 already aware about the CCAFR process -- I should

- 2 probably define that acronym. I know you know what I'm
- 3 talking about, but let's see. It's the Committee of
- 4 Council on Academic Freedom and Responsibility, so
- 5 CCAFR. I guess did you already know that there was a
- 6 possibility to -- to submit a letter to CCAFR, claiming
- 7 procedural violations?
- 8 A. No.
- 9 Q. Okay. When did you learn that that was, you
- 10 know, something that was a potential option after
- 11 President Fenvis had communicated his decision?
- 12 A. After I had learned of the decision. I kept
- 13 hoping the decision would be positive. I thought -- and
- 14 multiple people had told me that my rebuttal had been
- 15 very strong; and I thought that with the facts and the
- 16 logic presented in my rebuttal and all the detail, that
- 17 the President's Committee would take it into account and
- 18 would overturn -- well, I had hoped that the Dean
- 19 herself would change the recommendation to the
- 20 President; and I had hoped that the President's decision
- 21 would be positive. And I had not taken any steps to --
- 22 further to prepare in case the decision had been
- 23 negative. So it's only after I learned that it was
   24 negative that I took steps to inform myself of what I
- 25 could do.

- 1 (Exhibit 83 marked.)
  - 2 Q (BY MR. DOWER) Okay. Were you able to

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- 3 download these?
- 4 A. Yes, I'm saving the second one.
- 5 Q. Yeah, take your time.
  - A. I have both now.
- 7 Q. Okay. Let's -- I guess let's start with the
- 8 CCAFR letter, which means that that one will be
- 9 Exhibit 83; and the Request for Reconsideration will be
- 10 Exhibit 84.
- 11 So -- oh, shoot I uploaded the wrong --
- 12 wait. Did I upload the wrong one? Hang on. Sorry.
- 13 Let me see. Did I upload the -- no, I -- no, I didn't.
- 14 Okay.
- 15 Okay. So the Nikolova letter to CCAFR is
- 16 dated March 15th, 2019 [sic], correct?
- 17 A. Yes.
- 18 Q. Okay. And so this is the letter you put
- 19 together to submit to CCAFR in an attempt to -- to
- 20 appeal the denial of your tenure and promotion; is that
- 21 right?
- 22 MR. NOTZON: I think you said March 15th;
- 23 but it's the March 25th, right?
- 24 MR. DOWER: Oh, if I misspoke, I
- 25 apologize. Yeah. Sorry. March 25th. Thanks -- thank

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- 1 Q. What steps did you take to inform yourself?
- 2 A. So I don't remember if people -- if other
- 3 people reached out to me or if Chair Tewfik told me or
- 4 if I reached out. I don't remember who initiated; but,
- 5 basically, I was -- I started a dialogue with professor
- 6 Brent Evans, who was the Chair of CCAFR; and he was very
- 7 knowledgeable. And he informed me there were four -- I
- 8 believe he said four different processes, two of which
- 9 were submitting a request to the CCAFR committee; and
- 10 another was submitting a final argument document to the
- 11 President. The other two, I think, one was submitting a
- 12 grievance and maybe a grievance with -- I don't remember
- 13 the other two. I just felt that out of the four, the
- 14 two that I opted for were the more likely to help.
- 15 Q. And so -- well, I guess, since we're talking
- 16 about it, let me just go ahead and upload both your
- 17 letter to CCAFR and the Request for Reconsideration. If
- 18 you haven't noticed, I'm a big fan of showing documents
- 19 if we're going to talk about them. I just think that
- 20 that's fair, so.
- 21 All right. Let me see here.
- 22 A. I'm downloading.
- 23 Q. Yeah, yeah, take your time. I wanted to make
- 24 sure neither of these had exhibit stamps already, and I
- 25 don't believe they do.

1 you, Robert.

- 2 Q (BY MR. DOWER) Yeah. March 25th, correct?
- A Yes
- 4 Q. Okay. Can you tell me, when you were
- 5 preparing this document, who did you work with in
- 6 drafting this?
- 7 A. I--
- 8 MR. SCHMIDT: I'm going to jump in
- 9 real quickly. She can answer this question, but should
- 10 not --
- 11 MR. DOWER: Oh, not attorneys. I'm not
- 12 asking about attorneys.
- 13 MR. SCHMIDT: Yeah, it's going to come
- 14 out that I think she worked with an attorney on this.
  - MR. DOWER: Oh, I didn't know that.
- 16 Sorry.

15

- 17 MR. SCHMIDT: That's all right. And I'm
- 18 just going to ask her not to reveal attorney-client
- 19 privilege.
- 20 MR. DOWER: Okay.
- 21 Q. (BY MR. DOWER) So without disclosing any
- 22 communications you may have had with any attorneys, who
- 23 did you work with in preparing this?
- 24 A. I -- I don't think that anyone helped me --
- 25 anyone from my colleagues at UT helped me with this

Appx.0507

1 draft. I had hoped that Brian Evans would help me

- 2 because he had been very helpful during the rebuttal,
- 3 during -- preparing my rebuttal, I had sent multiple
- versions and he had commented on them and helped with
- language and so on. And so I had kind of hoped for a 5
- similar exchange with him here, but I think he had
- 7 become really busy.

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- And I, myself, had become very busy
- 9 because I was on a very short deadline. There was a
- 10 huge amount of material to sort of assemble and so on.
- 11 And so I don't -- I don't recall anyone helping me on
- 12 the draft, per se. I did, however, have some discussion
- with Ahmed Tewfik, with Professor Tewfik, and possibly 13
- with -- and with Brian Evans, outside of these 14
- 15 documents, as I was preparing it.
- 16 I think Professor Tewfik had advised me
- that in order to appeal this, in order to have a strong 17
- appeal, I needed to find a comparator in the School of 18
- Engineering that has a worse record than mine that had 19
- attained tenure recently. And I had managed to find 20
- 21 such a comparator. That was Dr. Zoya Heidari. And I
- shared that both with Brian and with Ahmed, and they 22
- 23 both thought it was a perfect case to compare.
- Q. And Zoya Heidari is in the -- is it the 24 25 Geosciences Department?
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- Q. I want to sort of take a step back and talk
- big picture. In -- in this lawsuit you are suing UT for
- discriminating against you with regards to the tenure
- decision that we've been just talking about, correct?
- 5 A. Correct.

6

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9

- Q. And, specifically, you're suing UT for both
- 7 sex and pregnancy discrimination, correct?
  - A. Correct.
  - Q. And so part of my job is making sure that I
- understand, you know, what -- what -- where you're
- coming from, for lack of a better word, with regards to
- 12 these accusations. And so for the tenure decision
- 13 specifically, which -- which UT employees are you -- do
- 14 you believe acted with intent to discriminate against
- 15 you based on your sex?
- 16 MR. SCHMIDT: Objection, form.
- 17 A. I do not understand the phrasing of "intent to
- 18 discriminate." I feel that I cannot comment on the
- intent. Does that make sense? 19
- Q (BY MR. DOWER) Okay. Well, let me -- yeah, 20
- let me try to explain myself a little bit better or
- break this down. In -- one of the allegations in this
- 23 case is that there are facially neutral policies that
- have the effect of discriminating, such as what we were
- just talking about a little while ago, Modified

- A. She's in Petroleum Engineering.
- 2 Q. Thank you. Petroleum Engineering.
  - Okay. And this -- this is going to sound
- 4 obvious; but Zoya Heidari is a woman, correct?
  - A. Correct.
- 6 (Exhibit 84 marked.)
- Q. (BY MR. DOWER) And then referring now to
- Exhibit 84, the Request for Reconsideration, did -- so
- this was addressed to President Fenvis directly,
- correct? 10

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5

- 11 A. Correct.
- Q. And did you have any understanding at the 12
- time that only a terminal appointment could -- could --13
- 14 would -- let me start over.
- 15 Did you have an understanding at the time
- that a Request for Reconsideration of a tenure decision 16
- was only available if it was a terminal appointment? 17
- 18 MR. SCHMIDT: Objection, form.
- 19 A. No.
- 20 Q. (BY MR. DOWER) Okay.
- 21 A. Brian Evans had advised me on the contrary.
- Q. Okay. So Brian Evans had advised you that you 22
- could submit a Request for Reconsideration in your 23
- 24 situation?
- 25 A. Yes.

- 1 Instructional Duty; it's facially neutral, but the
  - burden falls more heavily on women. Do you remember we
  - were just talking about that about 30 minutes ago?
  - 4 A. Yes.
  - 5 Q. Right. And so what I'm trying to do when I
  - say "intent to discriminate," I'm trying to distinguish
  - from that part of the case, to hone in on the -- the
  - allegation that UT Austin acted with intent to
  - discriminate against you based on sex with regards to
  - the tenure decision; but maybe I should take a step
  - 11 back. I mean, do you believe that the decision not to
  - give you tenure in 2019 was motivated in whole or in 12
  - 13 part by you being a woman?
  - 14 A. Yes.
  - 15 Q. Okay. And so what I'm trying to ask is: With
  - regards to that, do you have specific people at UT
  - Austin at the time that you believe acted with that
  - 18 intent?
  - 19 MR. SCHMIDT: Objection, form.
  - 20 A. If I may rephrase, what I feel happened is
  - 21 that there are people who discriminated against me on
  - the basis of my gender and pregnancy, yes. 22
  - 23 Q (BY MR. DOWER) Okay. And so with regards to
  - the tenure decision, who do you believe -- who are those
  - people is what I'm trying to ask.

A. So some of the people, I believe, are

- 2 Professor Ahmed Tewfik, Dean Sharon Wood, and
- 3 President Fenvis, possibly the president's committee.
- 4 Q. And are those -- is that the same people if we
- 5 said pregnancy instead of sex?
  - MR. SCHMIDT: Objection, form.
- 7 Q. (BY MR. DOWER) I'm just trying to figure out
- 8 is the list --

6

- 9 A. The same people -- same people would come to
- 10 mind, yes.
- 11 Q. And so for Professor Tewfik, why do you
- 12 believe that your -- that his behavior with regards to
- 13 your tenure decision was motivated by sex?
- 14 A. So I -- I can list, I guess, several examples
- 15 that come to mind at the moment; and I may make a chunk.
- 16 But one is I feel that he kept changing metrics for
- evaluating me. Another is that -- if I may ask for
- 18 clarification, are we speaking about my knowledge as of
- right now or my knowledge back then, when I first 19
- 20 submitted the complaint?
- 21 Q. Let's say now. Let's just say now.
- 22 A. So in his deposition from March of this year,
- 23 he stated that I had initially been excellent when I was
- hired -- and I'm paraphrasing -- and that afterwards, I
- had essentially stopped being excellent, something to

- 1 of on paper. And another low teaching score was because
  - 2 he had been having visa issues and missed a few
  - lectures; he had not been able to come back to the U.S.
  - 4 For me, the teaching section, which had
  - 5 higher worth teaching scores, alternated -- and this is
  - something that only -- I saw only now; I hadn't actually
  - noticed it earlier. It kind of alternated positive,
  - negative. For the positive, he always gave a negative.
  - So it was sort of -- kind of -- it was very meek.
  - 10 And, for example, he gave -- he wrote
  - 11 about one line of positive student comments; and it was
  - 12 followed by two lines of negative student comments as
  - examples. And this is to contrast with what I know from
  - 14 my rebuttal in reviewing the student comments that the
  - majority of the student comments I had received were
  - positive; but he did not reflect that in his statement.
  - Rather than writing maybe two lines of positive and one
  - line of negative, he swapped that around. So he chose
  - to emphasize the negative more, much more strongly.
    - In his -- and he never, for the score of
  - 3.7 that I received, he did not offer the very major
  - extenuating circumstance that I had been pregnant and
  - teaching two courses at the same time, where he
  - specifically -- not he -- the Dean specifically said
  - that Mohit received his lowest score while teaching the

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20

- 1 that effect. And he was asked what happened, and he
- 2 said that I formed a family.
- 3 He also said that if I had -- if I had
- 4 been a man, my vote from the Department for my tenure
- case would not have been as strong. He said either that
- or that it was only strong because I was a woman. He 6
- 7 said something to that effect.
- 8 Q. Anything else for Dr. Tewfik?
- A. Yes. Going back and reviewing -- going back
- and reviewing the letter he wrote for my tenure case and 10
- 11 the letter that he wrote for Professor Mohit Tiwari, who
- was considered for tenure in the same cycle as me and 12
- 13 who was given tenure, he gave Mohit the lowest teaching
- 14 scores, had been lower than mine. He had a teaching
- 15 score of 3.5 and a teaching score of 3.8 versus my
- 16 lowest being 3.7 and 3.9.
- 17 So Mohit's lowest teaching scores were
- strictly lower than mine; and Professor Tewfik, in the
- teaching part of the letter, was largely -- easily 19
- 20 dismissed the negative and was largely positive. And
- 21 when he mentioned the teaching score of 3.5, he
- immediately offered -- sort of explained it away,
- offering -- what's the word now -- an extenuating --23 24 extenuating circumstances that one score was low because
- the survey scores were submitted electronically instead

- 1 highest number of students. Such an explanation was not
  - 2 offered at all for, you know, the discussion of my
  - teaching score.
  - 4 Afterwards, in interviewing the research
  - section of Ahmed's letter for me and Ahmed's letter for
  - Mohit, first of all, it seems to be common knowledge
  - that the longer a letter is, the better it is for the
  - candidate, just purely lengthwise. So --
  - 9 Q. What makes you say that?
  - 10 A. It's from firsthand knowledge when I have
  - reviewed other candidates and hearing discussions of
  - others, if a letter is short, even if the letter states,
  - "I strongly support," it is not viewed as strong as a
  - letter which has a lot of detail. So a four-page letter
  - is better than a two-page letter and so on. So this is
  - just general knowledge. And so reviewing that --
  - 17 Q. Hang on. When you say "general knowledge,"
  - I'm a little -- I guess I'm surprised to hear that. For
  - Dean letters, specifically, or for any sort of external
  - 20 review?
  - 21 A. No, no, external review.
  - 22 Q. Okay.
  - A. External review. And in that case, I saw it
  - 24 for Ahmed's letter. So if you like somebody, you just
  - tend to go on and on and on about what you like

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- 1 about them. And maybe if you don't like them as much,
- 2 the letter is shorter. You don't really -- that's what
- 3 I've heard and it's consistent with what I have read and
- sat in committees evaluating other candidates for
- 5 faculty and so on. And so --
  - Q. Wait. Have you ever sat in on a -- go ahead.
- 7 A. -- it just struck me --

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- Q. Go ahead. I didn't mean to interrupt. That 8
- 9 was rude. Sorry, go ahead.
- 10 A. It just struck me that the research section
- 11 that Ahmed wrote for me, in his letter for me, was about
- 12 one page and three guarters; whereas, for Mohit, it was
- 13 over two pages. And I specifically remember one of the
- words he used in his assessment of Mohit's research is 14
- 15 the word "brilliant." He had this brilliant insight
- 16 about this or that; and in my letter, the words used
- were much more toned. It was like "interesting" or 17
- something like that. I don't really remember the 18
- language; but, for sure, it was nothing like at the 19
- level of brilliant. 20
- 21 And then for service, similarly, there
- was a much longer section for Mohit than for me. So for 22
- 23 me it was maybe three lines, and for Mohit, maybe six
- lines, just giving an approximate count. And for Mohit,
- 25 the service was "excellent" or "outstanding" or whatever

- difficult to quantify but, nevertheless, non-
  - 2 discriminatory?
  - 3 A. I am -- I feel that I'm not an expert to
  - 4 answer this question.
  - 5 Q. Okay.

6

- A. I feel it's a complex question.
- 7 Q. Okay. Anything else for Professor Tewfik that
- 8 comes to mind for a reason that you believe that he
- 9 discriminated on the basis of sex?
- 10 A. Yes. He -- I know that the year before me,
- 11 there had been a tenure case for a male professor who
- 12 ultimately had not received tenure, but he had been
- 13 granted conditional tenure; and initially the Dean had
- 14 written a negative assessment and the President
- initially had written -- had given a negative decision.
- 16 And I know from hearsay that Ahmed had gone out of his
- 17 way to fight for that case.
- 18 He -- he -- from what I know, he
- 19 didn't -- he was immensely crushed, immensely sad. He
- really liked that male colleague and he really wanted 20
- him to succeed and he did everything he could to help
- 22 him succeed. And he succeeded in reversing the negative
- President's decision to a conditional.
- 24 Whereas, in my case, I feel that not only
- he didn't go out of his way to fight it; but I feel that

- 1 the word was. He just went on and on raving about
- 2 Mohit's service. And for mine, it was -- I think he
- assessed Mohit's service as excellent and mine as. I 3
- believe. "reasonable" was the word he used and below the
- 5 average for assistant professors. And that struck me as
- 6 unfair. It was not based on explicit metrics.
- 7 Q. Is it --
- 8 A. I don't know -- yeah.
- Q. Is it possible that Mohit Tiwari just had
- better service to the department based on metrics that 10
- 11 are not easily measured?
- A. I would have to -- you're asking a loaded 12
- question. It's a question that's really at the heart of 13
- discrimination, metrics that are not easily measured. 14
- Q. So is it your testimony that there are only 15
- two types of metrics, the ones that are easily measured
- and the ones that discriminate? 17
- 18 A. No.
- Q. Okay. So it is possible for something to be 19
- 20 difficult to measure but not discriminatory?
- 21 A. Okay. That's a complex question. I would
- need to hear it one more time. 22
- Q. Sure. So I'm trying to understand the 23
- 24 dichotomy that you're presenting, and I just want to
- clarify that it is possible for something to be

- 1 he actually took actions to sabotage the ultimate
  - possible change of the tenure decision.
  - 3 Q. What actions do you feel he took to sabotage
  - 4 you?

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- 5 A. He was prompted -- he was requested by at
- least two colleagues, maybe even three, that I'm aware
- of, to hold a department-wide meeting to discuss my
- case. A lot of people right after the decision had
- voiced to me that they were very unhappy with the
- decision. Many were very puzzled and confused. And at 10
- 11 least two or three people had asked for a
- department-wide meeting to discuss my case to better 12
- 13 understand the details on what happened and on what they
- could do to reverse the President's decision. 14
  - And I became aware of an e-mail exchange
- 16 between Ahmed and Associate Dean Speitel, where he was
- urged not to hold a large unified meeting and to sort of 17
- divide and conquer. And so he never held such a
- meeting, despite multiple requests; and, instead, my 19
- case was -- for the discussion -- the discussion was
- suppressed. He kept them in separate factions and in
- separate groups from the department. So no one really
- ultimately could understand yet, to learn all the 24 details.

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25 Q. And so you believe by meeting with people in 153

1 small groups, that that was sabotaging your tenure case

- 2 with the President?
- 3 A. Yes.
- 4 Q. With regards to pregnancy discrimination, is
- 5 there anything that you would add to the list for Tewfik
- that we haven't already talked about?
- 7 A. Yes.
- 8 Q. Okay. What was that?
- 9 A. I just remembered -- yeah. Sorry.
- 10 Q. No. Go ahead.
- 11 A. Yeah, I just remembered that reviewing my
- 12 faculty annual review from all the past years, I
- realized that there was a pattern. It has -- it seemed 13
- 14 to be the norm for the majority of the faculty to
- receive an annual review of exceeds expectations. There
- 16 are three possible ratings: Exceeds expectations, meets
- expectations, or do not meet expectations. And in
- 18 multiple years, every single assistant professor
- received the rating of exceeds expectations except for
- me during -- precisely during the years when I had a 20
- 21 baby.
- 22 Q. I'm sorry. During the years when you
- 23 precisely -- I just didn't hear you. I apologize.
- 24 A. During the years when I had a baby.
- 25 Q. Which year was that?

- 1 A. I cannot think of anything else right now.
  - 2 Q. Okay. If something occurs to you, just let me
  - 3 know.
  - 4 Okay. Well, let's move on then to
  - 5 Dean Wood. Why do you believe that Dean Wood was
  - motivated by sex or pregnancy with regards to the tenure
  - 7 decision?

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- 8 A. So there are -- there is sex in her assessment
- that led me to the conclusion, to this belief --
- Q. Okay. Let's -- let's pull it up real --
- 11 sorry. Go ahead.
- 12 A. And there were --
  - Q. I was going -- go ahead.
- 14 A. And there were events outside of the letter
- 15 that also may have contributed.
- 16 Q. Okay. Let's do the letter first, and then
- 17 I'll follow up and ask you about those events. Now, I
- believe her letter is included in the big dossier, which
- is Exhibit 39. So if you go to that document that we already looked at and go to the second page, it has her
- assessment on there.
- 22 A. I have it, yeah. I have it in front of me.
- 23 Q. Oh, that was -- that was quick.
- 24 Can you point me to the part of this
- document that you believe -- to you is evidence of

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- A. I may give the years wrong, but I believe it
- 2 was in the year 2015-'16 and then again in the year
- 2018-'19 and then again in the year 2019-2020.
- 4 Q. So you gave birth to your second child in June
- 5 of 2018, correct?
- 6 A. Correct.
- 7 Q. And it's your understanding that you didn't
- get an "exceeds expectations" for that year?
- A. Yes, we just need to be careful. June of 2018
- falls outside of the nine-month academic year. And I 10
- 11 believe that I received a "meets expectations" for the year in which -- for the academic year in which I took
- 13 the MID for the birth of my child, and that was the
- academic year of 2018-2019. 14
- 15 And then, related to that -- I'm sorry
- for speaking without being asked -- but related to that,
- another discriminating action was that I received lower 17
- salary raises; and I ended up being among the lowest-
- 19 paid assistant professors in the department.
- 20 Q. Okay. Well, let's just focus in on the tenure
- 21 for now. Anything you would add for Dr. Tewfik for
- reasons that you think that he discriminated against you
- with regards to the tenure process that we haven't 23 24 already discussed? I'm just making sure that we've
- covered everything.

- 1 pregnancy discrimination or sex discrimination?
  - A. Yes. The first -- the first occurrence is the
  - 3 table that you see in the first page of her letter.
  - 4 Q. Okay. I'm looking at it.
  - A. The table -- to me, the mere existence of such
  - table speaks to a potential pregnancy discrimination or
  - 7 intent.
  - 8 Q. How so?
  - A. The table, first of all, looking through other
  - 10 tenure candidates, I did not see such a table for
  - 11 anybody, the others being male or women who have not
  - 12 become pregnant.
  - Q. You don't believe that the table is there to
  - 14 show that you'd been in rank for a long period of time,
  - like, if you include Texas A&M?
  - 16 A. No, definitely not.
  - 17 Q. Okay. Why not?
  - A. Because there are other candidates who had
  - 19 gone up for promotion with prior experience and there
  - was no such table for them and it was simply a
  - 21 sentence --
  - 22 Q. Okay.
  - A. -- of how they had been at a prior institution
  - 24 and what their total time in rank is. For example, Alex
  - 25 Dimakis; for example, Zoya Heidari, and others.

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Q. Okay. So the table --1

2 A. The table --

3 Q. Go ahead.

4 A. -- in 2015-2016 Modified Instructional Duties,

so it brings that center -- front and center: She had 5

been pregnant. Let's see what happens.

7 Q. It doesn't say anything about --

A. That is how -- that is my interpretation.

9 Q. Okay. So when you see Modified Instructional

10 Duties, to you, that signifies a pregnancy

11 discrimination?

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23 24

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12 discrimination?

A. Yes.

Spring Semester."

since the time I have a baby.

Q. Okay. What else?

the past four academic years."

12 A. It calls attention to pregnancy; and if we go

13 further -- well, I think we can agree on the fact that

it lists -- it lists Modified Instructional Duties front 14

15 and center, right? And so afterwards, when she goes

into her teaching assessment for me at the bottom of the 16

first page and beginning of the second page of her 17

assessment, she says, "Dr. Nikolova did not teach during 18

the 2015-'16 academic year, and since then her 19

20 instructor ratings have fallen."

21 There is a footnote, Footnote 1, in the

22 middle of the sentence. And the footnote says: She

23 participated in the Economics and Computational workshop

at the Simons Institute of Computing at UC Berkeley

25 during the 2015 Fall Semester and was scheduled to teach

1 two classes in the 2016 Spring Semester. However, she

assigned Modified Instructional Duties during 2016

dropped specifically here, referring to my instructor

Q. Anything else in this letter that you believe

A. She -- well, two more things that are obvious.

promotion. She says, "Only one" -- "While Nikolova" --

It says, "While Dr. Nikolova's external funding has come

three years in rank. Only one grant has been awarded in

So the mention of the past four academic

okay. So this is the beginning of page 3 of her letter.

from highly competitive sources, approximately 70

percent of her funding was awarded during her first

One is on the grant, which is one of her two chief

complaints and one of her two theories for denying

is evidence of pregnancy discrimination or sex

became pregnant during the 2015 Fall Semester and was

So, to me, that footnote, together with

the sentence, is making a case that my performance has

ratings, the student/teaching course. They have dropped

1 years includes the 2015-2016 probationary year, which

2 would not have been counted. So she went -- when she

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says, "Only one grant has been awarded in the past four

academic years," it sounds for sure worse than if she

had said, "Only one grant has been awarded in the past

three academic years."

7 Q. Okay. So it's not that you just --

A. So it's magnified --

9 Q. Okay. Sorry. Go ahead.

A. Yeah. It sort of magnifies the way -- the

11 negative impact of that sentence.

12 Q. Do you -- yeah. No, I follow.

Do you disagree with the accuracy of the 13

14 statement that only one grant had been awarded in the

15 past four academic years?

16 A. I spoke to the -- yes, in part. I spoke to

the -- in my final argument and in my CCAFR appeal, I

felt that a correction is needed and an explanation is

needed to that. One of my earlier grants that was part

of the 70 percent funding was the NSF Career Award,

which was a grant that was -- so the notification came

in those first three years, came in 2014; but the actual

money arrived in five annual installments over five

years. So even if I had wanted to use up all of that

money early on, it was not available. So I received

that money -- it was about half a million -- so I

received about 100K each of five consecutive years.

Q. Okay. So it was --

A. For the purpose of accounting, I felt this was

5 incorrect.

6 Q. Okay. So you -- it was -- the decision was

made to appropriate that funding earlier than four

academic years ago; but the funding itself was paid out

in annual installments?

10 A. Correct.

11 Q. Okay.

12 A. And another really important point if I may --

13 Q. Go ahead.

14 A. -- was introducing a metric that I had never

been told of by my Chair or anybody else, a new metric 15

on my tenure evaluation, which is some sort of pace of

obtaining grants or a rate of obtaining grants. So no 17

one had ever told me of this metric before. No one

said, "Oh, you need to be sort of careful that your 19

funding comes in at equally-spaced out time, you know."

21 So no one had ever mentioned that to me before.

22 What I had heard was from my colleague,

Professor Alex Dimakis, who was given tenure after just

one and a half years at UT, being four years early. He

was aiming to get over one and a half million dollars in

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Appx.0512

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1 grants total. So I felt I had that as well, and so I

- 2 felt I had matched it.
- 3 Also, Tewfik had never spoken about sort
- 4 of a pace of grants, obtaining grants, like the way it's
- 5 mentioned here. And Chair Tewfik, when he first saw her
- assessment, his reaction was, "Oh, she's playing the
- same game here as she did last year for Professor Jang,"
- who had ultimately been denied tenure. He said, "She's
- 9 playing the same game as last year." I didn't know
- enough details about Professor Jang's case; but my
- 11 understanding was that she had made the case that Jang
- 12 had not obtained enough grants later on in his career,
- 13 as opposed to earlier on.
- 14 Q. Anything else in this letter that, to you, is
- 15 evidence of sex discrimination or pregnancy
- 16 discrimination?
- 17 A. Yes.
- 18 Q. Okay. What else?
- 19 A. The fact -- the fact that she called my case
- 20 early and she specifically called it two years early.
- 21 So this is the last page of her assessment. She
- says, "If this were an up-or-out case, I would
- 23 likely agree with the recommendation of the Promotion
- 24 and Tenure committee," namely, to promote me. "However,
- Dr. Nikolova is being considered for promotion at UT

1 and it was, I believe, around summer, late summer or

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- 2 fall of 2017. A new building was built, and we moved
- 3 from our temporary building to that new building. She
- 4 issued a memo that no furniture is to be changed in the
- 5 faculty offices; and, specifically, faculty were
- prohibited from bringing in their personal furniture,
- 7 such as, sofas or personal fridges.
  - And that struck me as imposing a
- difficulty on women faculty who may have a baby and are
- breastfeeding who need to store breast milk in a
- personal fridge. And I raised it with Chair Tewfik in a
- 12 meeting with other faculty.
- 13 He said, "Oh, good point, Evdokia. Thank
- 14 you. I'll relay that to the dean." And the next thing
- we heard was that personal fridges were now allowed for
- 16 use in everybody's offices. And so I don't know what
- 17 interactions or conversations he had with Dean Wood; but
- 18 being the only women assistant professor at the time and
- the only woman having recently had a baby at that time,
- she must have known where that came from. And it may
- have angered her. I don't know. It may have been seen
- as challenging her authority.
- 23 So this is one of the first things that
- came to my mind when I first learned of her negative
- decision because I just couldn't understand why she had

- 1 Austin two years early." And she clarified later in her
- 2 CCAFR responses, as well as, I believe, she stated
- 3 something to that effect in her deposition in March of
- 4 this year, that she was following some rule of thumb
- 5 that the earlier the candidate is, the higher the bar
- for promotion and tenure. And she had specifically 7 stated, I believe to CCAFR, that two years -- the bar
- was higher for two years early than for one year early. 8
- 9 And in my case, the second year early was
- 10 specifically for taking that pregnancy extension, very
- 11 specifically a higher bar because of me having taken a
- 12 pregnancy extension.
- 13 Q. And when you say "pregnancy extension," you're
- 14 referring to the probationary year?
- 15 A. Yeah.
- 16 Q. Okay. Anything else while we're looking at
- 17 this document right now that, to you, signifies
- evidence of sex discrimination or pregnancy 18
- 19 discrimination?
- 20 A. So I -- I'm thinking of one episode which may
- 21 or may not be evidence, but it may provide context --
- 22 Q. Okay. Go ahead.
- A. -- or show intent. 23
- 24 Q. Go ahead.
- 25 A. The ECE Department moved to a new building;

- 1 been so negative against me.
  - Q. So just to be clear, though, she did change
  - 3 the policy to allow people to keep their refrigerators,
  - 4 right, which was what your suggest was, wasn't it?
  - A. Correct. That doesn't exclude the possibility
  - 6 she may have felt unhappy about having to go back on her 7 own words.
  - 8
  - Q. Do you -- did anyone ever tell you that she
  - was unhappy about it?
  - 10 A. No.
  - 11 Q. And you've never spoken to her about it,
  - 12 correct?
  - 13 A. Correct.
  - Q. Any other events -- well, first of all, is 14
  - there anything else in this document that we haven't
  - talked about that, to you, speaks to sex or pregnancy
- 17 discrimination?
- 18 A. Yes. You would like me to list?
- 19 Q. Oh, yeah. I'm sorry. I'm asking what it is.
- 20 Yeah.
- 21 A. So I felt I -- I wrote very long documents in
- 22 the rebuttal and subsequent appeals to CCAFR and final
- 23 arguments explaining, but I'll try to recap again here.
- 24 I felt that the assessment basically minimized my
- 25 positive accomplishments, which I thought were the

166 1 majority of my tenure case, and tried to pick out or If she had truly wanted me to succeed, even create negative things that could be construed she would have given me a warning somewhere along the negatively. So in that sentence it was the opposite of way before reaching that final, formal, and very 4 a holistic assessment. damaging stage. She easily could have reached out. 5 5 I mean, back in the Spring she could have Specifically, when speaking about my 6 teaching, it was overwhelmingly negative. It did not 6 told Ahmed, "No, she should not go up early because our 7 mention any positive student comments. It did not 7 bar will be higher risks." If she had given a negative mention the positive peer teaching reviews that I had recommendation at that time, I would have listened; and 9 received; and, instead, it just tried to really focus on I would have waited for another year so that I'm not 10 the few negative things that she could find. considered early. She never in the process reached out 11 And, to me, I felt that it had been to me; and as I understand, she did not reach out to 12 written that she -- she reached her -- she made her 12 Ahmed to just say, "Stop," before it got to be too late 13 decision first -- I don't know how -- and then just 13 in the late stage in the formal tenure review. tried to go back and pick evidence, use as evidence to 14 Q. Okay. Let's talk about Greg Fenves. Why do 14 15 support her negative recommendations. 15 you believe that Greg Fenves, in making the tenure 16 decision, was motivated by sex or pregnancy? 16 Similarly, for service, I feel that my -she, herself, admitted in her deposition that she had 17 MR. SCHMIDT: Objection, form. 17 overstated the negative statement that she made for my 18 MR. DOWER: What's the basis, Bob? Do 18 service records when she said at the bottom of page 3 of 19 19 you want me to split it up? 20 her assessment that, "However, her teaching record is 20 MR. SCHMIDT: No. I think it just calls for speculation and perhaps calls for a legal 21 modest and the Budget Council expressed concerns about 22 her relatively weak engagement in the department." 22 conclusion. It may not be the greatest objection, but 23 So she, herself, agreed that she 23 that's my objection.

24 overstated this -- the Budget Council expressing MR. DOWER: Okay. concerns with -- essentially, seeking out a comment that 25 (BY MR. DOWER) All right. Dr. Nikolova,

> 167 169

Ahmed had put in his letter for me, which I also felt 1 was unfounded: namely, that a couple of faculty members had expressed concerns about my service and my 3 participation. And nobody was in the teaching group 4 5 that I am aware of. 6 So she decided to just pick that negative

opposed to offering an objective and balanced representation of my service and in direct contrast with the Budget Council's statement on my service, which was 10

thing and include it in her overall assessment as

11 written in objective records, stating all my different service engagements and stating that my service exceeds 12

13 the expectation for an assistant professor.

14 Q. What about events outside this letter? Are there any other events outside this letter that, to you. 15 evidence intent to discriminate on either sex or 16

pregnancy for Dean Wood specifically? 17

A. Yes. I -- I feel that if she had truly wanted me to succeed and to help, she would not have gone about 19 20 it this way by writing completely out of the blue, unexpected, to my colleagues in my department and, I 21

gather, the Promotion and Tenure Committee that had 22

voted unanimously for my case. She just went against 23

24 all the levels under her, promoting against my

25 recommendation.

18

24

sorry. Go ahead -- or, in your opinion, from your

perspective, you know, why do you believe that Great

Fenves discriminated against you with regard to the

tenure decision on the basis of either sex or pregnancy?

5 A. And if I may -- before I get to answering the

6 question, if I may request for a break sometime in the

7 next ten minutes. We've been going --

Q. Okay. 8

9 A. -- for a while.

10 So why -- why I believe Greg Fenves

11 discriminated on the basis of gender and pregnancy.

There is, unfortunately, no written record regarding the

13 President's Committee deliberations during the tenure

decision that was reached in mid-February on my case. 14

15 The only thing I can go by from that is the notification

16 I received from the Dean, which stated that the

17 President's decision was reached based on concerns with

teaching and funding, mainly because of the concerns she

19 had expressed in her letter. In other words, the

President sided with her decision and just upheld her,

21 took the recommendation to base his final decision on.

At that time he may have been aware that

I had raised concerns of gender bias or pregnancy bias.

I do not have evidence regarding that. So he may -- he

may have known that already; and so the decision, that

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170 172 1 decision from February, may have come in part due to MR. DOWER: Bob, this is Exhibit 60. I 2 discrimination and retaliation. don't have the one that was stamped, but this is 3 Later, from the written evidence that we Exhibit 60 from John Dalton's deposition. 4 have, we know that he received an e-mail around the time 4 MR. SCHMIDT: That's fine. 5 5 MR. DOWER: Okay. of final arguments when he could have reversed his decision based on the details, objective evidence that I 6 (Exhibit 60 discussed.) had presented in final arguments. He had received an 7 A. I have it downloaded. Let me save it. Okay. e-mail from one of my senior colleagues, Mattan Erez, 8 I have it saved and open in front of me. 9 9 telling him that a similar situation had arisen. One Do you want me to read it? 10 Q. (BY MR. DOWER) Oh, yeah. Sorry. I was previous time a woman had gone up in the ECE department in the five or so years -- I think it was about five waiting to make sure you had a chance to open it, and I 12 years prior to my case -- and that there had been think we were both waiting on each other again. 13 A. Yeah. 13 suspicion about gender and pregnancy discrimination 14 about her case; and that if the same was found for mine, 14 Q. So let me just drop -- go down to the top of 15 the consequences for the department would be chilling. 15 page 4, which is the -- it's sort of split between Q. Who sent --16 page 3 and page 4; and it discusses the formal complaint 17 (Simultaneous speakers.) 17 resolution process. Do you see that? 18 Q. -- sent that e-mail? 18 A. Yeah. 19 A. It came from Professor Mattan Erez. The first 19 Q. And so it says that, "A complaint alleging name is spelled M, like Mary, A, T, like Tom, T, like 20 discrimination or harassment must be submitted to the 20 Tom, A, N, like Nancy; and the last name is spelled Office for Inclusion and Equity or the Dean of 21 22 E-R-E-Z, zebra. Students." Did I read that correctly? 23 Q. Do you remember --23 A. Yes. 24 (Simultaneous speakers.) Q. And so my question is just: Did you ever 24 25 Q. Go ahead. 25 submit a formal complaint of discrimination to either 171 173 A. I'm sorry. I'm sorry. You go ahead, please. 1 the Office of Inclusion and Equity or the Office of the 2 Q. I haven't seen this e-mail. So do vou 2 Dean of Students? 3 remember when it was sent? A. And these are -- I assume you mean these are A. This was sent around April of 2019, around the 4 UT's Office for Inclusion and Equity and UT's Office for 5 time that the President was scheduled to consider final 5 the Dean of Students? 6 arguments for various candidates that had submitted Q. Yes. And I know that you filed an EEOC 7 them. charge. So what I mean here is the UT internal Office 8 Q. Okay. So you think it was sent somewhere of Inclusion and Equity. 9 around April of 2019? 9 A. I believe I did not submit complaints there. 10 A. I believe so. 10 Q. Okay. And my question is just: Why not? 11 Q. Okay. 11 A. Sure. I actually had a conversation with 12 MR. DOWER: All right. Well, you had 12 Professor Miryung Kim right after I learned about the requested a break; you're right, we've been going long. Dean's negative recommendation for me, so around late 13 November, early December 2018. At that time she was 14 So let's take a break. 15 THE REPORTER: We're going off the record already an associate professor with tenure at UCLA. And 16 at 3:47 p.m. I -- she left UT Austin during the first year that I got 17 there and I never really had gotten -- I think we only (Off the record from 3:47 to 4:05 p.m.) 18 THE REPORTER: We're going back on the 18 overlapped for one semester in the Spring of 2014. 19 record at 4:05 p.m. 19 And I knew she left and I had overheard 20 Q (BY MR. DOWER) Let me -- oh, I should have 20 that -- I mean, I had sort of heard hearsay from 21 done this before, while we were on break. I'm going to 21 colleagues, from Sanjay Shakkottai, she left because she upload another document, not a big one, though. It went up for tenure the prior academic -- the prior shouldn't take a million years, like that one time. 23 summer; and she had had to withdraw her case. And so I 23 Just as soon as I can find it. Give me one second. 24 kind of connected the dots after the fact and I realized

25 that she -- something happened to her and she withdrew

Sorry. Okay. I --

I her tenure case. And subsequently she interviewed and

2 left UT Austin for UCLA.

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3 So I reached out to her. I didn't know

- 4 any details at that time; and she told me things under
- 5 confidentiality I would rather not repeat, I guess,
- 6 because of that confidentiality I promised to her.
  - We actually heard a bunch of details from
- 8 Professor Tewfik in his deposition surrounding her case,
- 9 but the one thing related to your question here is that
- 10 she went to UT's Office for Inclusion and Equity and
- 11 they had essentially given her the runaround and told
- 12 her that there is nothing she could do and she shouldn't
- 13 complain. And so she had been very disappointed and
- 14 basically decided to end it with UT.
  - So I did not go to the office because I
- 16 felt it wouldn't get me tenure. I felt that what I
- 17 wanted was to get tenure at UT in a fair -- in a fair
- 18 way. I wanted, you know, a fair assessment; and I
- 19 felt -- at that time I wasn't in the mode of
- 20 complaining. I simply wanted to be granted with a fair
- 21 decision, and I felt that the way to -- the most
- 22 effective way to get that would be through a CCAFR
- 23 appeal and through the final arguments that I sent to
- 24 the President.
- 25 Q. So I'm trying to balance my desire to make

- 1 I think it's 85. In fact, I'm pretty sure it's 85.
  - 2 THE REPORTER: That's what I have.
  - 3 (Exhibit 85 marked.)
    - A. I have it open. Let me save it.
  - 5 Okay. I have it saved, and it's open in
  - 6 front of me.

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- 7 I'm ready.
  - Q. (BY MR. DOWER) Okay. Before we switch gears
- 9 to this, going back to Miryung Kim, were her concerns or
- 10 her opinion that she had been treated differently on the
- 11 basis of gender, were those concerns directed -- about
- 12 Dr. Tewfik specifically?
- A. I do not recall her stating concerns about
- 14 Dr. Tewfik in that conversation.
  - Q. What about Dean Wood? Was any of it directed
- 16 about Dean Wood?
- 17 A. I do not recall her directing it to Dean Wood.
- 18 Q. Okay. So then switching back to the EEOC
- 19 Charge, so I'm very conscientious of the need not to
- 20 invade any sort of privilege because, of course, the
- 21 top-level document of this is a letter from our very own
- 22 Bob Schmidt; and so I recognize we need to be careful
- 23 about that. Without disclosing any of the
- 24 communications you had with any attorneys, what led you
- 25 to decide to go from: I didn't get tenure, and I'm not

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- 1 sure that I have the information I need to do my job
- 2 with the desire to respect your desire to keep this
- 3 conversation with Miryung Kim confidential. Can you
- 4 tell me what the conversation was about on a high level,
- 5 like, sort of in a general level?
- 6 A. Yeah. I asked her what -- what -- basically,
- 7 why she had withdrawn her tenure case, what had happened
- B for her to withdraw and to subsequently leave UT.
- 9 Q. So was the topic of that con- -- or was the
- 10 reason that she left related to either gender or
- 11 pregnancy?
- 12 A. Yes, she believed so. And I believed so after
- 13 talking to her and especially after hearing Ahmed's
- 14 deposition. He gave much of the details that she
- 15 basically told me under confidentiality. So I guess we
- 16 have part of the answer.
- 17 Q. Do you know what stage of the process she
- 18 withdrew her application?
- 19 A. Yes. I believe it was after the department
- 20 vote on her tenure case.
- 21 Q. After the department and before the Dean?
- 22 A. Correct.
- 23 Q. Okay. Let me show another document. This is,
- 24 I believe, Exhibit 85?
- 25 MR. DOWER: Bob, correct me if I'm wrong.

- 1 going to -- and I'm not filing an internal Charge of
- 2 Discrimination to filing a Charge of Discrimination with
- 3 the EEOC?

- 4 A. I felt very strongly that I had been treated
- 5 differently because -- in part or in whole, because of
- 6 my gender and pregnancy; and I was determined following
- 7 the final decision of President Fenves in response to
- 8 the CCAFR findings. I felt strongly about raising a
- 9 complaint.
- 10 So I was informed of the process to file
- 11 a complaint, to file an EEOC Charge. I wasn't aware of
- 12 those different institutions and processes. And so this
- 13 charge was filed, basically, as a step towards that
- 14 process.
- 15 Q. Okay. I just uploaded Exhibit 86.
- 16 (Exhibit 86 marked.)
- 17 A. I'm downloading.
- 18 Q (BY MR. DOWER) Yeah, take your time.
- 19 A. I have it open. I'm saving.
- 20 Okay. I'm ready.
- 21 Q. All right. I want to talk about the
  - 2 retaliation claims in this lawsuit, and so I thought
- 23 this would be a helpful way to -- helpful way to sort of
- 24 speed that conversation along. So let's go to page 10
- 25 of the Interrogatory -- the Interrogatory Responses,

1 which is Exhibit 86.

- 2 A. Okay.
- 3 Q. And so the Interrogatory Number 8 asks you
- 4 to -- excuse me -- to "...identify and describe any
- activities you took or communications you made that you 5
- contend motivated Defendant to retaliate against you."
- And the -- so I just kind of want to briefly walk
- through the responses that you give and then maybe ask a
- little bit of elaborating or clarifying questions. 9
- 10 So the first -- the first actions and
- 11 communications that you identified here is that, "In or
- 12 about August 2018 Plaintiff confided in Dr. Christine
- Julien that she felt discriminated against by the ECE 13
- 14 Department Chair, Dr. Ahmed Tewfik, because of comments
- he had made relating to tenure case during the summer
- within one month of have given birth." First of all, 16
- 17 just for the record, did I read that correctly?
- 18 A. Yes.
- 19 Q. Okay. Can you tell me: What were the
- 20 comments that this refers to?
- A. This refers to the e-mail that Chair Tewfik 21
- 22 sent me, that harsh e-mail that I believe we covered at
- 23 the -- towards the beginning of this morning.
- 24 Q. Right. Okay. Let me just confirm. Let's
- 25 see. So -- okay. So it's the e-mail dated August 2nd,

- 1 was very shocked by Christine's reaction. She had -- up
- 2 until that moment, I had regarded her as a friend and as
- 3 a mentor. And I had approached her previously a few
- 4 times in difficult situations that I had for mainly,
- again, for empathy and kind of venting and some advice
- and support; and she always had been very empathetic.
- And in this phone conversation, she had no empathy; and
- she, instead, tried to neutralize me. And I -- it took
- me a while to figure it out.
- 10 And my husband was overhearing the
- 11 conversation. He only was hearing me; he wasn't hearing
- her. I was on the phone and he kind of made -- he saw
- me starting to get emotional, and I started crying. And
- 14 he just did like that (indicating.) He saw that the
- conversation was not going anywhere, and he signalled me
- to stop. And it kind of took me a while to recover from
- the shock that I had lost a friend and that Christine
- was not really on my side. It took a while to process.
- 19 Q. When you say -- sorry. Sorry. Go ahead. I
- 20 didn't mean to interrupt.
- 21 A. And, eventually -- eventually, I said -- you
- 22 know, I said to Christine -- I tried to end the
- conversation politely and I said that, "I guess I'm not
- 24 really articulating myself well. And, yeah, thank you
- 25 for your time." And I ended the conversation.

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- Q. And this was -- this was the -- the e-mail
  - 2 that started this from Ahmed, the one with the sharp
  - tone, was about having your fiance and students work on
  - the promotion dossier, that was the origin?
    - A. Correct.
  - 6 Q. Okay. What -- when you said that Dr. Julien
  - tried to neutralize you, I'm curious: What does that
  - mean to you; or what does that mean, tried to neutralize
  - 9
  - 10 A. She did not validate my emotions, which were
  - emotions of anger, getting very upset; and she, instead,
  - 12 tried to argue with me that I shouldn't be feeling those
  - 13 emotions.
  - 14 Q. All right. Going back, did -- well, did you
  - tell her in this conversation that you felt
  - 16 discriminated against?
  - 17 A. I do not recall using the word
  - 18 "discrimination."
  - 19 Q. Okay. Do you recall -- do you recall what you
  - 20 did say about the comments?
  - 21 A. I don't really recall details other than what
  - 22 I told you already.
  - 23 Q. Okay. That's fine. That's fine.
    - Okay. Well, let's -- we already talked
  - 25 about -- I'm sorry. I'm referring back to Exhibit 86.

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- 1 2018 that I believe we labeled Exhibit 70?
- 2
- 3 Q. Okay. I've got too many PDFs open now.
- 4 Okay. All right. And so what did -- or,
- 5 I guess, tell me about the conversation with Dr. Julien.
- 6 A. I reached out to her after a few -- a few days
- after that e-mail exchange. I wrote her, "Could we
- please have a phone conversation?" I needed someone to
- kind of let steam off and vent because I had felt quite
- upset from that e-mail exchange. 10
- 11 And she said, "Sure. Yes, I'm happy to
- 12 talk." And we had that phone conversation.
- 13 Q. And can you -- what did you tell her in that
- 14 phone conversation?

21

- 15 A. I started sort of telling her that I was very
- unhappy with -- with the tone in Ahmed's e-mail. And I
- felt it was inappropriate and unfair for my condition, 17
- having just had a baby very recently, that he is
- essentially depriving me of support, telling me, like, I 19
- didn't have any support while having had a baby; and I
- felt it was unfair treatment relating to pregnancy. 22 And I was expecting -- I was hoping for
- an empathetic ear, mainly to let steam off, mainly to 23
- vent, possibly even advice on how to handle the

situation, how to get a closure; but that was very -- I

1 We already talked about the furniture policy change in

- 2 the summer of 2018. So I'll skip that. Excuse me.
- 3 The next thing on this list is the, "In
- 4 or about December 2018, Plaintiff submitted a rebuttal
- 5 to the Dean's assessment which stated concerns of
- 'inequity' with the Dean's assessment and discussed
- 7 Plaintiff's pregnancy and impact on her perceived
- performance deficiencies used as a justification for the
- denial of tenure." First of all, just for the record,
- 10 did I read that correctly?
- 11 A. Yes.
- 12 Q. Okay. And is the document that this is
- 13 referring to, the Deans' rebuttal -- or, excuse me --
- 14 the rebuttal to the Dean, is that the rebuttal letter
- that we looked at this morning? And I think -- let me
- 16 see -- I think it was Exhibit 71; but I could be
- misremembering -- oh, wait. No, no, no. It's already
- pre-marked. It's Exhibit 7. Sorry. And this one, 18
- actually the file name has the exhibit number in it, so 19
- that should be easier. 20
- A. I believe it is the rebuttal that we looked at 21

A. If I can locate it among the ...

Q. Yeah, it's been a lot. It's the one that

Q. I can also upload it again if that's easier.

Q. Okay. I will do that. I want to do whatever

A. It's downloading. I have it open. I'm ready.

Exhibit 7, the document that your interrogatory response

Q. So the reference to inequity in this document,

Q. Okay. And so when the Dean's assessment talks

I believe, is at the bottom of page 10. Can you jump to

about concerns of inequity, is this -- excuse me. When

your rebuttal to the Dean's assessment raises concerns

24 of inequity, is this the section of this document that

refers to as the rebuttal to the Dean's assessment?

Q. Perfect. Okay. So is this document,

(Simultaneous speakers.)

A. What -- yeah, that may be easier.

Q. Did you want me to re-upload it?

starts SW031821, and then there's an underscore, EX07 in

- 22 earlier. I -- would you like me to --
- 23 Q. Yeah, if you --

the PDF file name.

A. Please do.

makes this easiest, so.

that page for me, please?

A. Yes. I'm there, yeah.

25 talks about inequity, on page 10?

A. Yes.

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- 24 A. -- pull it up and open it?
- 25 Q. Yeah, if you don't mind.

- MR. SCHMIDT: Objection, form. 1
  - 2 A. This is one reference to inequity.
  - 3 Q (BY MR. DOWER) Are there any references in

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- 4 this document to pregnancy?
- 5 A. Yes.

6

- Q. Okay. Where -- where is that?
- 7 A. Let me try to find it. I believe it was in
- the section where I discuss my teaching scores and say
- that I received my lowest score in the semester I was
- pregnant. Let me try to find it.
- 11 Q. I think it may be the bottom of page 3.
- 12 A. Yeah, I see. I see it on the bottom of
- 13 page 3.

18

- 14 Q. Okay. So it says, "In Fall 2017 I also
- 15 happened to be pregnant and suffering from daily morning
- sickness and fatigue. (My second child " -- is it
- 17 "? Sorry.
- 19 Sorry. I do try to get these
- 20 things right.
- -- "was born in June 2018.) Despite my 21
- personal challenges, I maintained the highest level of
- 23 professionalism and care, teaching and increased
- teaching load of two sections and introducing new
- initiatives to EE 360C, such as 'lunch with the

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professor' and new weekly problem-solving sections, to

- improve the student experience." Did I read that
- correctly?
- A. Yeah.
- 5 Q. Okay. And so that's the reference to
- pregnancy in this document?
- 7 A. Yes.
- 8 Q. Okay. Going back then to Exhibit 86, now at
- the top of page 11, this is the interrogatory responses.
- So the next thing on this list is: Dr. Nikolova sent an
- 11 e-mail to the ECE department faculty which was forwarded
- to Dean Wood that specifically raised concerns of sex
- discrimination. And I probably should have just read
- this verbatim; but it says that it was an e-mail sent 14
- 15 February 19th, 2019; is that correct?
- 16 A. Yes.
- 17 Q. And that was after you'd found out that
- President Fenves was going to deny your application for
- 19 tenure?
- 20 A. Yes.
- 21 Q. Okay. And then the next one on this is the
- appeal of the denial of tenure to the Committee of the
- Council on Academic Freedom and Responsibility; and we
- looked at that document earlier today, as well, correct?
- 25 A. Yes.

Appx.0518

Q. And then the next one on this list is the --1 fact, shortly before, maybe about a year earlier, I had

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- 2 it says, "On or about March 29th, Plaintiff provided to
- 3 President Fenves a Request for Reconsideration/final
- 4 arguments and an appeal of denial, raising concerns of
- 5 sex and pregnancy discrimination." And is that the --
- one of the other documents that we looked at today, the
- 7 Request for Reconsideration?
- 8 A. Yes.
- 9 Q. Okay. And then we've got, "Plaintiff filed an
- 10 EEOC Charge of Discrimination." We just looked at that
- 11 just a few minutes ago, correct?
- 12 A. Yes.
- 13 Q. And then we've got, "Plaintiff files this
- 14 lawsuit objecting to discrimination." Obviously, we're
- 15 here talking, so we know about the lawsuit. Okay.
- 16 And, obviously, I'm just trying to make
- 17 sure that we've covered everything in here.
- 18 And then there's a supplemental response
- 19 that says, "Dr. Nikolova also raised concerns in a
- proposed" -- "proposed of sex discrimination" -- excuse 20
- 21 me; I'm getting tired.
- 22 Let start that sentence over.
- 23 "Dr. Nikolova also raised concerns and opposed of
- sex/pregnancy discrimination to ECE Department Chair,
- Dr. Ahmed Tewfik, in or about November and December

- 2 been -- I had sought advice by a fertility specialist;
- 3 and I was told something to the effect that I wouldn't
- be able to have any children or that I would have issues
- 5 with getting pregnant.
- And so I had written this personal detail
- to kind of show to her that my pregnancy was not
- planned, even though I was very happy about it when it
- happened in light of that earlier, you know, doctor
- suggestion. So my pregnancy was not planned, by any
- means; and I felt somewhat embarrassed about the
- consequence that I would not be teaching two courses.
- instead of the usual one course of teaching relief.
- 14 And I offered also in that earlier
- 15 version of the rebuttal that I had -- when I first
- informed my Chair about my pregnancy, I had been
- apologetic about it. I said, "You know, I'm aware that
- this now lets -- you know, lets me not teach two
- courses -- makes me unable to teach two courses, instead
- 20 of the usual one." And so I offered to teach an
- additional course the following semester when I'm
- capable of teaching; but the Chair had kindly declined.
- At that time I felt he had not made me make up that
- 24 extra course.
- 25 And so that was roughly what the

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- 1 2018, as well as subsequently." What is this -- what is
- 2 that sentence a reference to?
- 3 A. I believe it is in reference to a discussion I
- 4 had with him over the phone about women who are pregnant
- 5 that may have lower teaching scores because of their
- 6 pregnancy. And also we had a separate, different
- conversation regarding an earlier version of my rebuttal
- to the Dean's letter that I sent to Ahmed for review 8
- before I submitted it officially. And in that letter,
- in that version of the rebuttal, at the very end I had 10
- 11 about a paragraph discussing -- stating that I found the
- Dean's mention of pregnancy and Modified Instructional 12
- 13 Duty when referring to me inappropriate. I was told by
- Brian Evans that it violated certain privacy laws, and 14
- 15 so I had a mention of that.
- 16 And I gave a little -- I felt that she
- considered it a negative that I had become pregnant that 17
- first time when I had been given an unbalanced teaching
- load and I ended up teaching two classes in the 19
- 2015-2016 year. I felt that she had stated it and she
- 21 probably felt negatively about it, as if I had gotten
- pregnant on purpose to avoid my work duties.
- 23 And so I felt to alleviate that, I needed
- not -- it had not been a planned pregnancy. And, in

to offer some personal detail so she's aware that I had

- 1 paragraph was; and so Chair Tewfik, when he read my
  - 2 rebuttal, he said, "Oh, yeah, this is a very strong
  - rebuttal; but I feel that you should remove that last
  - paragraph in the rebuttal so as not to antagonize the
  - 5 Dean."
  - 6 And I just kind of listened to his advice
  - without questioning; and I said, "Okay." And I removed
  - the rebuttal [sic.] And I submitted the final version
  - of the rebuttal without that paragraph to the dean and
- the -- I think Carmen Shockley. 10
- 11 Q. Okay. So just so I'm clear because that was a
- 12 lot of information, I just want to make sure I digested
- it correctly. There was an earlier draft of your
- rebuttal to Dean Wood's assessment that contained a more
- explicit reference to pregnancy and that draft was
- shared with Dr. Tewfik during your editing process and
- he suggested not including that paragraph because he
- felt it might antagonize the Dean, but he saw the
- version of it that had that paragraph. Is that -- is
- 20 that accurate?
- 21 A. Yes.
- 22 Q. Okay. Just making sure that I understood.
- 23 Okay. And then there's the last --
- 24 sorry. Going back to Exhibit 86, it -- the next
- sentence of that paragraph says, "Chair Tewfik opposed

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gender discrimination on behalf of Dr. Nikolova to

- 2 Dean Wood, including in UT Austin 0007476." So I just
- 3 want to -- I mean, that e-mail speaks for itself; but I
- 4 just want to understand. So you're saying that Tewfik
- 5 opposed gender discrimination on your behalf as it
- 6 relates to the tenure decision, and you are also
- 7 accusing him of discriminating against you on the basis
- 8 of gender with regards to that same decision?
- 9 A. Correct.
- 10 Q. Okay. I think that covers that section.
- 11 So then the next interrogatory, Number 9,
- 12 is about what -- you know, what actions do you contend
- 13 Defendant took to retaliate against you; and so the
- 14 first response -- or the first paragraph, I should
- 15 say -- and I'm now looking at the top of page 12 of the
- 16 interrogatory responses -- specifically talks about a
- 17 peer teaching evaluation conducted by Dr. Julien after
- 18 you raised the concerns about sex and pregnancy
- 19 discrimination. Is that accurate? That's what the
- 20 first paragraph alludes to?
- A. Correct.
- 22 Q. Are there -- I'm trying to save time because
- 23 it's getting close, towards 5:00 o'clock; and I want to
- 24 respect everyone's time. Other than what's listed in
- 25 this paragraph, are there any other reasons that you

- 1 nature of the course, and had other irregularities."
  - And now, to remember your question, were
  - 3 you asking about --
  - 4 Q. I was asking --
  - 5 (Simultaneous speakers.)
    - A. -- or intent?
  - 7 Q. Yeah, anything else that, to you, demonstrates
  - 8 an intent to retaliate against you by Dr. Julien,
  - 9 because there's a list of things here; and I just wanted
  - 10 to see if there was anything else you wanted to add to
  - 11 that list.
  - 12 A. I am not sure if that would speak exactly to
  - 13 the intent part; but in terms of possible motive that
  - 14 she may have had to retaliate against me is we learned
  - 15 in that following September, only three months later,
  - 16 that she was picked to become the Assistant Dean for
  - 17 Inclusion and I imagine being in conversations with
  - 18 Dean Wood about that promotion. So she -- from that
  - 19 September on, she literally, you know, started working
  - 20 for the Dean; and, already, from before that, she may
  - 21 have been preparing. And she was speaking to me from
  - 22 all of this. She was speaking in administrative role.
  - 23 And so I'm guessing that she wanted to
  - 24 strengthen Dean Wood's case against me by providing a
  - 25 more negative -- you know, a negative and unflattering

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- 1 believe that Dr. Julien and the other ECE professors --
- 2 well, actually strike that -- that Dr. Julien's teaching
- 3 assessment conducted of you after you complained about
- 4 sex discrimination and pregnancy discrimination was
- 5 motivated by an intent to retaliate other than what's in
- 6 this paragraph?
- 7 A. Let me read the paragraph more carefully.
- 8 Q. Okay. Please. Please do.
- 9 A. Do you mind if I read out loud?
- 10 Q. Oh, no. That's fine.
- 11 A. "Before Dr. Nikolova had raised concerns and
- 12 opposed sex and pregnancy discrimination at UT,
- 13 Dr. Christine Julien and other ECE professors gave
- 14 Dr. Nikolova extremely positive teaching evaluations.
- 15 After Dr. Nikolova opposed sex and pregnancy
- 16 discrimination internally at UT, the former ECE
- 17 Department Chair Tewfik assigned Professor Julien to do
- 18 a 'Peer Teaching Evaluation' of Dr. Nikolova. Unlike
- 19 the previous evaluations of Dr. Nikolova's teaching,
- 20 Professor Julien gave Dr. Nikolova a negative and
- 21 unflattering teaching evaluation. The negative
- 22 evaluation was not accurate, was performed at the 'last
- 23 minute' (very late in the semester) when students were
- 24 preparing for or taking finals and are often less
- 25 engaged in a course, did not take into account the

1 teaching evaluation because what Dean Wood had stated

- 2 was an issue, a key reason for not promoting me; and I
- 3 felt that Dr. Julien wanted to give more ammunition to
- 4 Dean Wood to strengthen her case.
- 5 Q. All right. I think -- I think that fairly
- 6 covers that one. So let me move on to the next
- 7 paragraph.
- 8 I'll go ahead and read it out loud for
- 9 the record since you wanted to do that for the previous
- 10 one. So, "Before Dr. Nikolova opposed sex and pregnancy
- 11 discrimination, filed her charge of discrimination and
- 12 this lawsuit, Dr. Nikolova received positive annual
- 13 reviews. Unlike the previous positive annual reviews of
- 14 Dr. Nikolova, Professor Julien and the ECE Faculty
- 15 Evaluation Committee gave Dr. Nikolova a modest and
- 16 unflattering annual evaluation in June 2020. The annual
- 17 evaluation was not accurate and diminished or
- 18 negatively, pretextually, and disparately
- 19 mischaracterized Dr. Nikolova's performance that had
- 20 previously been regarded in a highly positive manner,
- 21 especially since the 2018-'19 academic year was one of
- 22 Dr. Nikolova's most productive years." First of all,
- 23 did I read that correctly?
- 24 A. Yes.
- 25 Q. And when you say that they gave you a modest

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Case 1:19-cv-00877-RP Document 38-2 Filed 09/21/21 Page 280 of 543 194 196 1 and unflattering evaluation in June 2020, the evaluation 1 the Complaint in a case is really an exhibit -- I guess 2 they gave you was "meets expectations"? 2 it's an exhibit. So this is 87, I guess; but it's the 3 A. Correct, so it was the rating accompanied by 3 Pleading, so. 4 the text; and the text is -- the text was very 4 A. Is this about the exhibit or --5 5 unflattering. (Simultaneous speakers.) Q. And so why do you believe that Dr. Julien and 6 Q. Yeah, sorry. Go ahead. That was more of a the other ECE Faculty Evaluation Committee members --7 side talk to Bob, I guess; but you can ignore it. 8 MR. SCHMIDT: That's fine. why do you believe this was in retaliation for filing 9 9 the discrimination charge and this lawsuit? (Exhibit 87 marked.) 10 Q. (BY MR. DOWER) Yeah, it's an exhibit. It's 10 A. So, actually, I believe it falls under both 11 categories, pregnancy discrimination and retaliation. 11 an exhibit. 12 Q. Okay. 12 A. Did we already see this earlier? Q. No. Sorry. This is a new one. I just 13 A. And pregnancy discrimination, the reason I 13 14 believe it falls under that is that it started out -uploaded it to the chat. the text of annual review started out by stating that I 15 A. Okay. Okay. I have it open, and I'm saving 16 it. 16 was on Modified Instructional Duty in the Fall of 2018. And that was sort of the anchor to pull everything down 17 And if I may request, also, maybe a break as if, you know, a pregnant woman cannot do her job in the next ten minutes or so. 18 19 well. That sort of anchored it. 19 Q. Oh, that's fine. And I'm hoping that this 20 will be the last break because I think we're getting And the following text was very 21 unflattering: She has reasonable publication service close to done. 22 and modest funding and low service; but that's 22 A. Okay. I'm ready. 23 understandable, given her pregnancy extension, given her 23 Q. Okay. So let me jump down to page 15,

25

A. I'm there.

195 1 does it just say Modified Instructional Duty? 2 A. I believe it says only Modified Instructional 3 Duty, but it was very clear. Q. Okay. So when you see "Modified Instructional 5 Duty," you're reading pregnancy into that because it was 6 Modified Instructional Duty based on the pregnancy? 7 A. Correct. And --7 8 Q. Go ahead. Go ahead. 8 A. -- you asked regarding pregnancy 9 10 discrimination -- well, you asked regarding retaliation. 10 11 Q. Yeah. I was about to --12 A. The reason why I think it can be seen as 13 retaliation is that it occurred after I had been denied tenure, after I had already filed the lawsuit for 14 14 pregnancy and sex discrimination. And I feel that it 15 15 was perhaps Christine Julien, as Chair of the Committee, 17 17 and the committee members who participated in writing my reviews, saw it as helping the UT narrative that had 18 become now to diminish me as much as possible to show 19 20 that I was not qualified enough to be granted tenure. 21 Q. Okay. I think -- I think at least for now I'm 22 22 done with that document. 23 Let me -- let me do this. Let me show 24 you the Complaint in the lawsuit, the First Amended Complaint. So I'll upload that. I don't know whether just go ahead and take -- you don't need to read it out

24

25

Modified Instructional Duty. And so --

Q. So does it actually refer to pregnancy, or

Q. Okay. And so in Paragraph, I guess, 83 and 84 2 it discusses a situation involving a request that you 3 supervise a senior design team while you were on 4 Modified Instructional Duty. Is that -- is that a fair characterization of Paragraph 83 and 84? I mean, we could read the whole thing. It just feels like -- a little bit excessive. A. I'll trust you. Q. Okay. A. I'll take your word for it. Q. Well, I really just want to use this as a 12 launching point to show you some of the e-mail exchanges that actually happened, so -- just to sort of inform the discussion. So --MR. SCHMIDT: Since it's just two paragraphs --MR. DOWER: Do you want me to read it into the record, Bob? I don't mind. MR. SCHMIDT: You don't need to read it into the record, but I just think Dr. Nikolova should 21 read it if it's going to be a launching point. MR. DOWER: Yeah, yeah. Absolutely. No 23 objections there. Q. (BY MR. DOWER) Dr. Nikolova, why don't you

24 Paragraph 83. And just tell me when you're there.

1 loud because it's an exhibit. So take a second to go 1 5, which is an e-mail from Dr. Tewfik dated

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- 2 ahead and read Paragraphs 83 and 84.
- 3 A. Okay.
- 4 MR. DOWER: Actually, you know what, why
- 5 don't we take the break here? And then she can read it
- 6 on the break.
- 7 MR. SCHMIDT: That's great. That's fine.
- 8 MR. DOWER: Let's do that.
- 9 THE WITNESS: Okay. Great.
- 10 MR. SCHMIDT: It servers two purposes.
- 11 Great. Thank you.
- 12 THE REPORTER: We're going off the record
- 13 at 4:57 p.m.
- 14 (Off the record from 4:57 to 5:13 p.m.)
- 15 THE REPORTER: We're going back on the
- 16 record at 5:13 p.m.
- Q (BY MR. DOWER) All right. Well, when we left 17
- off, Dr. Nikolova, you were going to go ahead and read 18
- through to yourself Paragraphs 83 and 84 from your 19
- Amended Complaint. Did you have an opportunity to do 20
- 21 that during the break?
- 22 A. I'm sorry, but I forgot.
- 23 Q. Oh, no worries.
- 24 A. I can do it right now.
- 25 MR. DOWER: So much for efficiency, Bob.

- - September 3rd, 2019. Do you see that?
    - A. Yes.
  - 4 Q. And so -- so he starts out and he says, "You
  - have MID this semester. However, you'll need to
  - continue to supervise your senior design team this
  - semesters" -- excuse me -- "semester" -- singular;
  - sorry, I misspoke. "Others on MID this semester are
  - also supervising senior design teams and the college is
  - insisting on that. Thank you." Other than my little
  - verbal slip-up there, did I read that correctly?
  - 12 A. Yes.
  - 13 Q. Okay. And is this -- is this the starting
  - 14 e-mail or the e-mail that starts the -- the
  - 15 communication that's referenced in Paragraphs 83 and 84
  - 16 of your First Amended Complaint?
  - 17 A. I believe so.
  - 18 Q. Okay. And so then, if we scroll a little bit
  - farther up, September 4th, 2019, you respond; and you --
  - I'm trying to avoid reading the whole thing -- but you
  - express confusion and some, I guess, misgivings about,
  - you know, why you're being asked to supervise a senior
  - design team. Is that a fair characterization?
  - 24 A. Yes.

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25 Q. And so then he responds September 4th, 2019,

- 1 (Laughter.)
- 2 MR. SCHMIDT: Yeah.
- 3 MR. DOWER: Don't worry about it.
- 4 MR. SCHMIDT: It's two paragraphs.
  - MR. NOTZON: She can't be blamed for
- 6 that.

5

- 7 MR. DOWER: And I'm not blaming her.
- 8 MR. SCHMIDT: You can blame -- you can
- 9 blame Robert Notzon or somebody else. I don't know.
- MR. DOWER: I'll blame a Robert. I won't 10
- 11 specify which one.
- A. (Witness silently reading document.) 12
- 13 I'm readv.
- Q (BY MR. DOWER) Okay. So having just read 14
- Paragraph 83 and 84 from the First Amended Complaint, if 15
- you would, go ahead and open one of the documents that
- 17 was just uploaded, the one marked Exhibit 57.
- 18 A. Oh, yeah. Exhibit 57, yeah.
- Q. Yeah. 19
- 20 A. I'm ready.
- 21 Q. Okay. And I'm not. I accidentally closed it.
- 22 Give me one second.
- All right. Here we go. So since this is 23
- 24 in reverse chronological order, meaning that the oldest
- e-mail's at the bottom, I'll -- let's start on page 4 of

- 1 later that day, and says that, "The college has gotten
  - stricter on MID. Alex and you are on MID and you both
  - will need to supervise/continue supervising senior
  - design teams. Unlike courses, you have flexibility in
  - setting time with your team." Did I read that
  - 6 correctly?
  - 7 A. Yes.
  - 8 Q. And then, going up again, so then, the next
  - day, September 5th, you respond; and you point out that
  - from -- from a health and medical standpoint, it's very
  - 11 different for Alex to be required to supervise a senior
  - design team because you just -- you just will have given
  - birth sometime between now and September 18th, 2019.
  - And so you raised some of the -- some concerns about
  - 15 this expectation. Is that a fair characterization of
  - 16 it?
  - 17 A. Yes.
  - 18 Q. Okay. And so then if we go further up, he --
  - Dr. Tewfik forwards your e-mail to Sharon Wood and Jerry 19
  - Speitel; and that's on Friday, September 6th, at I guess
  - 21 2:40 a.m. Is that -- is that what you see?
  - 22 A. I'm sorry. Can you repeat, please?
  - 23 Q. Yeah, of course. And I know it's late in the
  - 24 day, and we're all tired.
  - 25 On September 6th, 2019, at 2:40 a.m. he

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1 forwards your e-mail to Sharon Wood and Jerry Speitel. 1 to Friday, September 6th at around 7:15 a.m., where he

- 2 Do you see that?
- 3 A. Yes.
- 4 Q. And I don't know -- do you know whether -- was
- 5 this one of the times when Dr. Tewfik was out of the
- country, do you remember?
- 7 A. He may have been. I don't remember for sure.
- 8 Q. Yeah, that's fine. I'm looking at some of
- these time stamps and wondering whether he's in a
- different time zone; but if you don't remember, don't
- 11 worry about it because I know that he -- during some of
- 12 this time, he was -- he was in another time zone,
- 13 another country. I think he was in Spain. Do you
- 14 remember whether he was in Spain at some point during
- 15 this time period? No? It doesn't ring a bell?
- 16 A. It sort of rings a bell; but amongst so many
- 17 things in my brain, I cannot be fully sure.
- 18 Q. Okay. I'm really not trying to nail you down
- 19 on it. It's fine.
- 20 Okay. But suffice it to say the next
- 21 e-mail in this thread is from Dean Wood to Jerry
- 22 Speitel; and she says, "He has to back down on this.
- 23 She should not be asked to mentor the student group."

Q. And then Jerry Speitel responds and says,

that he and I had." And that looks like that was sent a

Q. (BY MR. DOWER) Okay. And then that brings me

2 "Agreed. I sent him an e-mail to update the discussion

little bit after noon on September 6th, 2019, correct?

- Do you see that message? 24
- 25 A. Yes.

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- 2 withdraws it -- or where, I guess, it's withdrawn; is
- 3 that accurate?
- A. Yes. 4
- 5 Q. Okay. And this is what Paragraphs 83 and 84
- are referring to in -- in your First Amended Complaint?
- 7 A. Yes.

8

13

- Q. Okay. So let me -- let me just ask just a
- couple more questions about this. Do you believe that
- this -- that the request that you supervise a senior
- 11 design team was an act of retaliation against you?
- 12 A. Yes, I do.
  - Q. Okay. And by whom, if you have an opinion?
- 14 A. By a combination of Ahmed and the Dean's
- 15 Office.
- Q. And why do you -- I guess retaliation against 16
- 17 you for what, like, for what activity that you took?
  - A. For filing the EEOC Charge. At that time I
- had not yet filed a lawsuit, but I informed him of my
- intention to file the lawsuit. And I believe that the
- college -- so he wrote me an e-mail that the college
- 22 must be aware of my intention to file the lawsuit.
- 23 Q. Okay. One of the last things I want to
- 24 discuss with you before I pass the witness, in case Bob
- 25 has his own sort of follow-up, is the damages in this

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- - 2 talking about things like, you know, how this has
  - 3 impacted you emotionally, it's, by definition, an
  - 4 emotional subject; and so I approach this sensitive to

1 case. And I want to preface this with: Whenever we're

- 5 that fact. And I want to be as respectful as possible,
- and so just -- just know that I appreciate that this is
- a sensitive area that I am about to talk to you about.
- 8 But with that lead-in, how has you not getting tenure in
- 9 February of 2019 impacted you emotionally?
- 10 A. It has -- it just turned my world upside down,
- 11 literally. I feel frequently and currently -- a lot
- 12 these days, I just feel lost. I feel I lost my purpose
- in life. I feel I've lost -- I'm terribly afraid that I
- have lost my career. I'm afraid that I'm past the point
- of no return. I -- I've lost -- I feel my reputation
- 16 has been damaged professionally.
- 17 I was not -- I was -- I was completely
- 18 shocked that this past year I tried really hard and very
- 19 extensively to search for a position at another -- a
- 20 faculty position at another university; and I searched
- 21 very broadly, including much lower-ranked schools, way
- 22 below UT's league. And I did not get -- I never
- 23 expected that I would not get any offers. I did not
- 24 even get any full interview invitation to any U.S.
- 25 universities.

to the other exhibit, which is, I think -- 88 is what

(Exhibit 88 marked.)

it's been marked. And can you -- do you have that one open?

10

5

6

- 11 A. Yes.
- 12 Q. And do you see the second from the top, it's
- an e-mail from Dr. Tewfik to you that says, "I e-mailed 13
- the dean and associate dean and they agreed to my 14
- 15 request to relieve you from senior design supervision,"
- 16 correct?
- 17 A. Yes.
- Q. And then you respond; and you said, "Thank 18
- 19 you, Ahmed." And that was, I guess, at about 3:00 p.m.,
- 20 also on September 6th, 2019, correct?
- 21 A. Yes.
- Q. Okay. And so the time from when Dr. Tewfik 22
- indicates you -- you'll need to continue your super- --
- to supervise your senior design team, we're talking
- about a time from Tuesday, September 3rd at around noon

206 And I know that when I was filing the 1 realized that -- that I'm feeling low and I'm getting

2 lawsuit, I was warned that this is a possible effect,

2 that other potential applications a possible cried,

3 that other potential employers may retaliate against me

for filing a complaint, whether it's the complaint or

5 the actual knowledge that has just come out that I have

6 been denied tenure at UT.

In the words of one of my former mentors

8 from Texas A&M, once I'm considered for tenure by a

9 University, if I'm denied tenure, I'm considered damaged

10 goods because without knowing any details of the case,

11 people are ready to jump to conclusions just on -- very,

12 very, very quickly; and the first conclusion that people

13 typically jump to is, "Oh, there must be something wrong

14 with her."

7

15 So I feel that this hugely damaged my

16 opportunity to move to another university and to

17 continue my career. And I feel at this point I have

18 come to realize, despite what I had really hoped very

19 strongly previously, up until maybe a few months back,

20 that it would be impossible for me to continue my career

21 at UT. Just being surrounded by -- by people that

22 previously I considered friends, that I looked up to,

23 that I sought advice from, and now I feel betrayed by, I

24 just would not -- it's been tremendously psychologically

25 damaging to me; and just the thought of going back to

2 depressed way more frequently than seems to be normal

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3 (witness crying.)

And I started -- I reached out to a

5 psychologist. I started feeling -- I started making a

6 diary just to understand for myself the extent of it,

7 just recording how many days I feel down, really down;

8 and it was, like, pretty much half. Half the days or

9 more every week I was getting really depressed and

10 hopeless (witness crying.)

11 I wanted to -- at that time I had just

12 had my third baby. I still really hoped -- I just had

13 this feeling in me that I hoped that things at UT would

14 be resolved. And so I really worked hard to do my best

15 to satisfy the additional requirements that were set

16 forth for me by the Dean in order to satisfy her in the

17 future tenure decision so that I get tenure in the

18 next tenure consideration that I would go through

19 (witness crying.)

20

8

15

And so I worked really hard right after I

1 had my third baby on submitting grants, way more than I

22 would have if I had received tenure because I didn't

23 need the money; but I knew from her letter -- I didn't

24 need the money to support my group at that time. I

5 still had money from my prior grant; but I knew that

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1 that environment, I'm afraid would drive me even deeper.

2 I've gone through depression, anxiety,

3 insomnia; and currently from -- from my recent

4 conversations with them, my current psychologist -- I've

5 changed three or four different therapists; it was, I

6 really felt, a battle, an uphill battle to find the

right therapist, which was difficult in itself. My

current psychologist thinks that it's PTSD because it

9 seems to have deepened over time (witness crying.)

In the first semester, I was still sort

11 of in the mode to, you know, do everything I can to

12 prove -- to prove my worth, to prove my professional

13 worth, to prove that the fairer decision would have

14 been to receive tenure and to do everything I can to

15 provide evidence, logic, facts to the responsible

16 parties so that I'm granted tenure. And after that -- I

17 just put so much effort into this, just hundreds of

18 hours week after week, month after month, that I felt

19 burnt out (witness crying.)

10

20 And then I kind of went into a mode of

21 depression where I just very frequently felt down, and

22 it took me a while to realize that I was depressed.

23 And, finally, I think in December, about a year after24 the first Dean's decision, after I first learned of

25 the Dean's negative letter, about a year later, I

1 getting another grant was necessary for me to have, you

2 know, a chance of success -- so not even a quarantee.

3 but a chance of -- a necessary condition for a

4 successful future tenure case. And so two weeks after

5 my third baby was born, I was -- after, I

6 was... (witness crying.)

7 Q. Take your time. Take your time.

A. Two hours -- two hours, one hour on, two hours

9 off in the breastfeeding; and I was completely -- my

10 brain was just much by this whole sleep deprivation. It

11 was incredible, just exhaustion. And so I -- right

12 after the pregnancy, I was back at -- back at the

13 computer every free minute I could that I was awake to

14 kind of come up and work on grant applications.

So I submitted a grant application, I

16 believe, just maybe a month after my baby was born. I

17 submitted a second one two months after my baby was

18 born -- less than two months after my baby was born and

19 continued working on it. And then I -- and then I was

20 exhausted, and then I just fell into deeper depression

21 (witness crying.)

22 I wanted to apply to other universities

23 just in case. I had really wanted to remain at UT

24 because I loved Austin. I loved my home. And my family

25 had roots in Texas, but -- so I wanted, just in case, to

Appx.0524

210 212 1 apply other universities; but I felt too depressed. And 1 strong theoretical background needed for research. I 2 I was just unable to complete just the basic 2 never expected even those places would just not invite 3 application. I was -- I was -- I didn't have it in me 3 me for an interview, let alone an offer. And that 4 to approach people in my community to be letter writers really hit me, I guess, in the last few months for those other faculty applications (witness crying.) 5 (witness crying.) And so I thought, well, I guess I just 6 I still last month -- I still, this cannot do it this year; and I applied for, anyway, a 7 month, in June, this month, I still have kept receiving pregnancy extension. I just have to wait until next rejection notices from universities; and I thought it couldn't get much worse. And I thought that some 9 year. And those job applications, they happen really only once a year, so around December. So if you miss 10 universities -- that some universities would be 11 it, you have to wait a full other year. And that's what 11 different and truly believe in gender equity and take 12 I did (witness crying.) those things seriously and help, rather than hurt, 13 And so this past December I had started diverse candidates; and I experienced -- I guess the 14 preparing other applications already in September, 14 real world kind of hit me (witness crying.) 15 15 three months prior, and was reaching -- and some And I feel in the last few months I've been mentally preparing that there may not be any future schools have earlier deadlines. Depending on the school 16 16 17 and departments, there were deadlines ranging from for me in academia, despite all my wishes and hard work 18 October through February. And I just -- I worked really to the contrary. So I feel it has really shaken my 19 hard on getting additional letters of reference confidence professionally and affected me personally; 20 (witness crying.) and at this point, any -- any triggers, any small 21 And I was sort of really disillusioned triggers can quickly escalate into very -- have 22 and dismayed for what must have been damage to my detrimental effects on me (witness crying.) 23 23 reputation in my professional community that people There are many times that -- I don't know 24 if I should share -- I feel like I lost everything, so who had previously written strong letters for my tenure 25 case now did not respond or declined to write me 25 why not... What's more to do? I think maybe three or 211 213 1 letters in support of applications to other universities 1 four weeks ago I had an argument, a very minor argument 2 (witness crying.) 2 with my husband; and it was short and very minor about 3 And I did tell them that I -- because I something really stupid. He made a remark, a snappy 4 knew they would ask and they would see on my CV that I 4 remark, you know, who had not washed the cutting board 5 had not been promoted. So I felt I had to explain in my at home; and -- and I kind of took it and kind of was 6 e-mail, asking them for a letter, what had happened. sharp with him back. And it sort of escalated. And we And that was really embarrassing and I didn't know how didn't really argue that much, and I just felt really 8 to do it without going into too much detail, but at the angry (witness crying.) same time making it to where I'm not blaming and I'm not It's just all the anger surfaced in me pointing fingers and I sort of do it with dignity. So from everything, I mean, not just that conversation. I 10 10 11 that was heartbreaking. And, finally, I was thrilled think just the whole tenure and career and my life and that I was able to -- after asking way more people than my hopes and my dreams; and it just seemed like 12 I initially anticipated. I was able assemble enough 13 everything was upside down, and now including the one letter writers for my applications; and then it just secure foundation, which I felt had been my family. I 14 15 didn't work out (witness crying.) felt like that was the last thing I had, and now even 16 And I never expected -- I remember very 16 that was even going down. begrudgingly submitting applications to universities 17 And I kind of closed myself in my room, 17 which were located in places I didn't want to be 18 and I started thinking about all the movies I had seen geographically or very, very much lower ranked. And where people commit suicide. And I just was imagining 19

20 and kind of thinking about them and the circumstances

and I thought I can really relate to them and I can completely understand how those characters felt

25 or family or people I know personally that have been

And I, thankfully, don't have any friends

23

24

(witness crying.)

that is not because I'm snobbish but because I've become

aware of the difference in the rank and size, that if

you're at a lower-ranked university, the college may be

strong students. And that had been the case at Texas

A&M. You know, it was hard to attract students with a

wonderful; but you have a really hard time attracting

21

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1 affected by suicide; but I have a close friend,

- 2 actually, who had attempted suicide in the past. And I
- 3 had long discussions with her before and after, to sort
- of understand that mental state and see how I can
- protect myself from it. And we had had a conversation 5
- about it before, and she had told me it's really
- 7 important to have a back-up plan from when you are
- thinking suicide. You need to have a person that you
- need to reach out to, and you need to know who that is.
- 10 And I knew immediately in my head, yes, I know that's my
- 11 husband (witness crying.)
- 12 And so after I closed myself in the
- 13 bedroom and was crying, just crying, just really sad and
- hopeless and thinking about this; and I was thinking 14
- 15 there's really nothing wrong with suicide. I don't why
- people, you know, think -- I don't know why people --16
- it's actually an excellent -- it's a really good 17
- 18 solution. It's an easy way out. It is an easy way out
- when the pain becomes so big that you cannot bear to go 19
- through it. And when you cannot see any possible way 20
- out, it's so difficult and so painful, suicide is really 21
- 22 a logical option (witness crying.)
- 23 And I was thinking all of that; and I
- 24 was just crying, thinking -- thinking, being so sad for
- 25 my kids and thinking why -- why are my kids, my three

- quickly it took me to get there (witness crying.)
  - And so I've now reached out to a
  - psychiatrist. I previously was resistant because I'm

216

- really scared of pills, of antidepressant pills from all
- the stories that people get a life addictions to them
- and are unable to go back. And I said, oh, my god. I
- just got really worried about myself, and so I reached
- out to another psychiatrist; and it turned out it's
- another battle, uphill battle. It's really hard to find
- a good psychiatrist (witness crying.)
- 11 So now I -- I wasn't accepted by any of
- 12 the doctors I reached out to; and I have, instead,
- 13 followed up on two of them who recommended a more
- 14 junior psychiatrist who has been in their practice and
- 15 who I'm waiting, still, now to continue with. You know,
- 16 I have yet to have my first psychiatrist appointment
- 17 (witness crying.)
- 18 So it has been a tremendous loss of, I
- 19 guess, personal self-worth, value. While I've been
- working really hard on getting back on track, I've been
- reading articles on depression, on PTSD, on things that
- I can do to help. I follow diligently. I read, you
- know; get physical exercise; get meditation; try to get
- enough sleep, which is challenging when I'm anxious
- (witness crying.)

215 217

- adorable kids that I love, why are they not enough to
- fill that void? It was going more and more in my head
- (witness crying.) 3
- 4 I must have realized that I'm in danger,
- 5 and I was just starting to hyperventilate, crying; and I 6
- called my husband. I realized it was time that I called
- for help. I called my husband and he came to me and he
- held me in the bed. And I didn't beat around the bush.
- and I told him I thought of killing myself. And he was
- very good. He kind of calmed me, talked me through it. 10
- 11 "What is it you feel? Should I take you to a hospital?"
- I said no. "Should I take you to a doctor?" I said no 12
- 13 (witness crving.)
- 14 And he just kind of got me through it, I
- guess. He was able to patch me up, to kind of give me 15
- enough of a boost to get me out of that state. And I 16
- relayed it to my psychologist at my meeting with him 17
- afterwards, and what really scared me about it is how 18
- 19 little it took to get me to that state (witness crying.) 20 I just -- I had been actually happy the
- 21 day before. In my calendar, my diary, I had noted that
- 22 I had been happy. We had had some rough patch with my
- husband; but, actually, that particular week -- I don't 23
- 24 remember anymore -- I feel like I had been in a pretty
- good state the day before; and it just shocked me how

- I currently go to a chiropractor who has
  - a more holistic approach: and he's given me -- he's
  - given me whatever, liquid supplements, that he said help
  - with sadness and depression. And I'm just doing
  - 5 everything I can to get better for my own sake and for
  - the sake of my family (witness crying.)
  - And I don't know if -- I don't know if I
  - would continue with a career. I don't know if I will be
  - able to, even if I want to, because I feel like I've
  - been so badly shaken; and part of it is exhaustion.
  - 11 Exhaustion sort of very easily couples with depression.
  - As soon as I feel exhausted, which is very easily,
  - 13 exhausted and overwhelmed, it typically makes me slide
  - into a depressed mode, easily hopeless; and because of 14
  - 15 that. I have felt as if I have fewer productive work
  - 16 hours that I can work (witness crying.)
    - And at this point I basically feel
  - incapable to kind of satisfy those high requirements
  - that were set for me, and I don't know if or when I 19
  - would fulfill them. I feel that to get better
  - mentally, I need probably a two- or three-year break;
  - but I think that's impossible in my line of work, in my
  - profession, because as soon as you take a break, you're
  - out (witness crving.)
  - 25 If it's past tenure, it's very possible.

Appx.0526

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	:	218	2	220
1	It's easy, and many people do it. They take leave	-	CHANGES AND SIGNATURE	
2	without pay, usually to start companies; but I imagine		WITNESS NAME: DATE OF DEPOSITION:	
3	it would have been easy to justify with motherhood, or	;	B EVDOKIA NIKOLOVA June 29, 2021	
4	whatever, duties. They take a couple of years' leave		PAGE/LINE CHANGE REASON	
5	without pay and then come back. So that's very easy.			
6	But pre-tenure, and especially if I want to find another		S	
7	job afterwards, because at the moment I think I'm too		,	
8	depressed to make a good impression, I feel like it		3 )	
9	would be impossible to come back. It's like once you	10		
10	leave, you close the door; and the door never opens	1		
11	again (witness crying.)			
12	I will become permanently sort of		3	
13	blemished. People will probably just take a one-second		; ;	
14	look at the state of my CV and say, "What's wrong with		·	
15	her?" And then they would go to all the other excellent	- 1		
16	candidates that have not had any breaks in their career.	18	3	
17		19		
18	supply that's not been damaged, why bother, you know,			
19	trying to figure out someone that's damaged. Whether			
20	they're right or wrong, it doesn't matter at all. So	2		
21	that's that's where we are (witness crying.)			
22	MR. DOWER: Dr. Nikolova, I thank you for		i	
23	your time; and I hope that you feel that I've treated			
24	you with respect throughout our conversation.			
25	And I will pass the witness.			
		210		221
		219		221
1	MR. SCHMIDT: I'd like to take a three-		I, EVDOKIA NIKOLOVA, have read the	221
2	MR. SCHMIDT: I'd like to take a three-minute break, and we'll come back.		I, EVDOKIA NIKOLOVA, have read the foregoing deposition and hereby affix my signature that	221
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222 1 STATE OF TEXAS 2 REPORTER'S CERTIFICATION 3 I, DEBBIE D. CUNNINGHAM, CSR, hereby certify that the witness was duly sworn and that this 4 5 transcript is a true record of the testimony given by 6 the witness. 7 I further certify that I am neither 8 counsel for, related to, nor employed by any of the 9 parties or attorneys in the action in which this 10 proceeding was taken. Further, I am not a relative or 11 employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of 12 13 the action. 14 Subscribed and sworn to by me this day, 15 July 24, 2021. 16 17 18 19 Debbie D. Cunningham, CSR 20 CSR 2065 Expiration: 6/30/23 21 INTEGRITY LEGAL SUPPORT SOLUTIONS P.O. Box 245 22 Manchaca, Texas 78652 www.integrity-texas.com 23 512-320-8690; FIRM # 528 24 25

1	PAGE	LINE	CHANGE	REASON
2	26	8	change "full doc" to "post doc"	correction/clarification
3	26	9	change "are either" to "are doing either"	correction/clarification
4	30	7	change "Anthony" to "Antony"	correction/clarification
5	33	3	change "higher end" to "higher ranked"	correction/clarification
6	33	8	change "So they were" to "So there were"	correction/clarification
7	33	13	change "there was a bonus" to "that was a bonus"	correction/clarification
8	35	7	delete "him"	correction/clarification
9	38	10	change "had its own" to "has its own"	correction/clarification
10	59	6	change "It's revising" to "It's residing"	correction/clarification
11	93	15	change "Valenciano" to "Veciana"	correction/clarification
12	109	12	change "to TA of what" to "to TA and what"	correction/clarification
13	114	17	change "end of June" to "early June"	correction/clarification
14	119	14	change "working the CCAFR" to "working on the CCAFR"	correction/clarification
15	121	7	change "actual" to "factual"	correction/clarification
16	124	9	change "Grave" to "Graves"	correction/clarification
17	147	18	change "strictly" to "actually"	correction/clarification
18	148	4	change "which had" to "which I had"	correction/clarification
19	148	5	delete "worth"	correction/clarification
20	156	8	change "sex" to "text"	correction/clarification

PAGE	LINE	CHANGE	REASON			
159	9	change "have a baby" to "had a baby"	correction/clarification			
162	7	change "Jang" to "Zheng"	correction/clarification			
162	10	change "Jang" to "Zheng"	correction/clarification			
162	11	change "Jang" to "Zheng"	correction/clarification			
166	3	change "sentence" to "sense"	correction/clarification			
167	4	unclear what was actually said but reference to "teaching group" appears incorrect	correction/clarification			
170	9	change "had arisen. One" to "had arisen one"	correction/clarification			
184	23	change "teaching and increased" to "teaching an increased"	correction/clarification			
187	19	change "ended up teaching" to "ended up not teaching"	correction/clarification			
189	8	change "rebuttal" to "paragraph"	correction/clarification			
194	21	change "publication" to "publications,"	correction/clarification			
207	13	change "fairer" to "fair"	correction/clarification			
212	1	change "for research" to "for my research"	correction/clarification			
215	2	change "going" to "growing"	correction/clarification			

```
I, Evdokia Nikolova, have read the foregoing deposition and
1
2
    hereby affix my signature that the same is true and correct,
    except as noted herein. My date of birth is 1/24/79, and my
3
    address is 400 East Monroe St., Austin, TX 78704, United States
4
    of America. I declare under penalty of perjury that the
5
6
    foregoing is true and correct.
7
    Executed in \underline{\hspace{1cm}} County, Texas, on the 23<sup>rd</sup> day of
8
9
    August, 2021.
10
11
12
13
                          Evdokia Nikolova
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UNITED	STI	ATES	DISTE	RICI	COURT
WEST	ERN	DIST	TRICT	OF	TEXAS
	ATTS	STIN	DTVTS	CON	J

\_\_\_\_\_

REMOTE ORAL DEPOSITION

OF

CARMEN SHOCKLEY
AS CORPORATE REPRESENTATIVE

MAY 28, 2021

\_\_\_\_\_

REMOTE ORAL DEPOSITION of CARMEN SHOCKLEY produced as a witness at the instance of the PLAINTIFF, and duly sworn, was taken in the above-styled and numbered cause on the 28th day of May 2021, from 9:01 A.M. to 1:23 P.M. reported remotely before Jacqueline Love-Worline, CSR, in and for the State of Texas, reported by machine shorthand remotely from Dallas, Texas, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto, and also pursuant to the First Emergency Order regarding the COVID-19 State of Disaster declared by Governor Abbott dated March 13, 2020, renewed thereafter.

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	2		4
1	APPEARANCES	1	EXHIBIT INDEX
	FOR THE DEFENDANT: UNIVERSITY OF TEXAS AT AUSTIN	2	NO. DESCRIPTION IDENTIFIED
3	BENJAMIN DOWER AMY HILTON		38 General Guidelines for Promotion and Tenure
4	Assistant Attorney General	,	of all FAculty Ranks Exclusing the Medical
	Office of the Attorney General		,
5	General Litigation Division, P.O. Box 12548, Capitol Station Austin, TX 78711-2548	4	School 2018-2019 Academic Year 34
6	Telephone: 512-463-2120	5	44 Plaintiff's First Amended Notice of Oral and
	Benjamin.dower@oag.texas.gov		Video Deposition of Carmen Shockley as a Fact
7		6	Witness and Corporate Representative 9
8	FOR THE PLAINTIFF: EVDOKIA NIKOLOVA	7	45 E-mail 53
9	TON THE FEMINITY. EVENTANTINGEOVA	8	46 E-mail 58
	ROBERT NOTZON	9	47 E-mail 61
10	The Law Office of Robert Notzon 1502 West Avenue	10	48 E-mail 66
11	Austin, TX 78701	11	50 *Witness Notes N/A
	Telephone: 512-474-7563		51 Letter date 5/13/19 from G. Fenves to Dr. Brian
	Robert@notzonlaw.com	12	
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15	Telephone: 512-346-7077		Period 94
16	Schmidt@crewsfirm.com	15	
	ALSO PRESENT:	16	53 E-mail 111
18	Laura Barbour, In-House Assistant General Counsel, UT Austin	17	*Exhibit retained/to be submitted by counsel
19	Jody Hughes, Associate Vice President of Legal Affairs, UT	18	
20	Austin	19	
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- 1 deponent would like an opportunity to read and review the
- 2 transcript and recording pursuant to Federal Rule of Civil
- 3 Procedure 30(e), and the parties stipulate that Mr. Schmidt can
- 4 record this proceeding without the need to announce the time.
- 5 MR. NOTZON: Agreed.
  - CARMEN SHOCKLEY.
- 7 Having been duly sworn, testified as follows:
  - EXAMINATION
- 9 BY MR. NOTZON:

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8

- 10 Q. Good morning, Ms. Shockley.
- 11 A. Good morning.
- 12 Q. So have you ever had your deposition taken before?
- 13 A. No, sir.
- 14 Q. Okay. So as -- this is your first time and it's
- 15 fairly new to a lot of us being on Zoom, I'm assuming you're
- 16 pretty well experienced with Zoom meetings?
- 17 A. Yes.
- 18 Q. Okay. Sad to hear it but it's the way it is. The
- 19 deposition that we're here to do is your testimony not a
- 20 conversation, not -- it's fairly formal. You're under oath as
- 21 you've just sworn, so what you'd have to say today would have
- 22 the same force and effect as if we were in front of a judge or
- 23 a jury. You understand that?
- 24 A. I do.
- 25 Q. Okay. And the court reporter is going to be taking

- 1 A. It is.
- 2 Q. Okay. And how long have you been in that position?
- 3 A. In this position about three years and nine or
- 4 10 months.

6

15

22

- 5 Q. Okay. And what position did you have before that?
  - A. Before that I was Director.
- 7 Q. Director?
- 8 A. Correct. Yes, I was trying to think if there was a
- 9 qualifier. Director of Academic Personnel Services in the
- 10 Provost office
- 11 Q. Okay. And how long were you in that position?
- 12 A. That position -- I'm counting backwards in my head --
- 13 three years, I believe.
- 14 Q. And who was the Provost at that time?
  - A. I had several Provosts. Since I have been in the
- 16 Provost office, I'd have to look at at their employment dates
- 17 to tell you which Provost I worked under when.
- 18 Q. No problem. Who promoted you to your current
- 19 position?
- 20 A. My previous supervisor Janet Dukerich. She was the
- 21 Senior Vice Provost for Faculty Affairs at the time.
  - Q. And is she still there?
- 23 A. Not in that position.
- 24 Q. Okay. What's her position now?
- 25 A. Vice Provost for Advocacy and Dispute Resolution.
- 7
- 1 down every word that's said today so it helps if we speak one
- 2 at a time and sometimes you're going to absolutely know what my
- 3 question is going to be before I finish it but if you could
- 4 wait for me to get the words out because she's going to type it
- 5 up on the page and if you start in, then the messages start
- 6 getting jumbled on the printed page as well as being hard to
- 7 hear or transcribe for the court reporter. So if you could
- 8 wait for me to finish my question before you answer and I'll do
- 9 the reverse for you it should be helpful.
- 10 Lastly, this shouldn't take too long but if you
- 11 ever need to take a break for any reason just let me know and
- 12 we'll try to accommodate you as soon as possible, okay?
- 13 A. Okay.
- 14 Q. All right. What is your position at UT?
- 15 A. I am the Assistant Vice President for Faculty
- 16 Affairs.
- 17 Q. Okay. And who is your direct supervisor?
- 18 A. My direct supervisor is Tasha Beretvas.
- 19 Q. And what's her title?
- 20 A. Senior Vice Provost for Faculty Affairs.
- 21 Q. Okay. And then her supervisor would be the Provost?
- 22 A. That's correct. Right now it's Interim Provost
- 23 Daniel Jaffe.
- Q. And is this the same position you held back in 2018
- 25 and 2019?

- 1 Q. Okay. And when did you start that position?
- 2 A. Approximately two years ago.
- Q. Would that have been before or after Dr. Nikolova was
- 4 denied tenure?
- 5 A. That would have been after.
- 6 Q. You understand that you're here today both in your
- 7 individual capacity of what does Carmen Shockley remember or
- 8 not remember about what happened and also to speak as UT on
- 9 three topics. Do you understand that?
- 10 A. Yes.
- 11 Q. Okay
- 12 A. Yes.
- 13 Q. Oh, and are you Dr. Shockley or Ms. Shockley?
- 14 A. Ms.

17

24

- 15 Q. Okay.
- 16 A. Thank you.
  - (Exhibit 44 identified.)
- 18 Q. Yep. We're supposed to be formal. Okay.
- 19 Let me go ahead and put up as an exhibit -- it
- 20 will be Exhibit 44 the deposition notice. It will be in the
- 21 chat. This will give us practice for the deposition exhibits
- 22 we'll use today. Are you able to view it?
- 23 A. Yes.
  - Q. And you see the three topics listed there?
- 25 A. Yes.

1 Q. Let's go off the record real quick.

2 (Technical difficulties. Brief pause in the

3 proceedings.)

4 MR. NOTZON: Back on the record.

5 MR. SCHMIDT: Sorry, give me one second. I'm

6 sorry.

7 Q. (BY MR. NOTZON) Okay, Ms. Shockley. You're able to

8 view the document?

9 A. Yes.

10 Q. Okay. And the three topics listed there you're

11 prepared to testify as UT on those three topics?

12 A. Yes.

13

Q. Okay. And we'll get to those a little bit later. I

14 wanted to kind of talk to you as the individual first, okay?

15 A. Okay

16 Q. How long -- well, when did you first start working at

17 UT just to get an entry there --

18 A. July 2001.

19 Q. And What job was that?

20 A. I was an Administrative Assistant in the Dean's

21 office in the College of Fine Arts.

22 Q. Now are you a longhorn by education as well?

23 A. No, just my occupation.

24 Q. Okay. When did you first learn that there was an

25 issue related to Dr. Nikolova regarding gender or pregnancy

1 Q. Did you ever have -- did you ever have an awareness

2 or understand that other people had concerns that gender or

3 pregnancy bias or discrimination might be an issue related to

4 Dr. Nikolova?

5 A. No, not that I recall.

Q. Right. You can't testify about what you don't

7 remember.

6

8 A. Okay.

9 Q. Okay. And when you learned of that, was it through

10 her CCAFR appeal?

11 A. Yes. I refer to that as a request for review, yes.

12 Q. Okay. Her writing?

13 A. Yes.

14 Q. And what did you do with that information?

A. That information was part of the request for review

16 to CCAFR, so waited for CCAFR to respond. There wasn't

17 anything in my position to do with that information I'll say-so18 then it was a matter of waiting for CCAFR to look into the

19 concerns raised in her request for review to see what they

20 documented about that. Yes.

21 Q. What was your -- I guess, how did you come about to

22 get a copy or be aware of her request for review?

23 A. The general guidelines for promotion and tenure

24 specify that the Provost office will receive a copy of the

25 request that's made to CCAFR I believe in her case -- which I

11

1 bias or discrimination in this -- in your experience?

2 MS. HILTON: Objection. Form.

3 A. When did I first learn of her concern or something

4 else?

8

5 Q. That there was a concern whether it was from her or

6 anyone else that there was a concern that there was gender or

7 pregnancy bias or discrimination involved with her employment?

A. The first time I recall being aware that she had a

9 concern about gender or pregnancy discrimination was regarding

10 her promotion and tenure case and that would have been in the

11 spring of 2019 when she submitted a complaint to -- or a

12 request for review to the university's committee for counsel on

13 academic freedom and responsibility, an acronym that we

14 pronounce CCAFR and that's the first I recall of hearing of

15 that concern and that did come up in my reviews for the topic

16 as a corporate witness. I was -- that's when I realized that

17 was the first.

18 Q. Okay. You might not have remembered that had you not

19 reviewed the documents?

20 A. That's correct.

21 Q. Okay. And you specified that that was the first time

22 you learned that she had a concern?

23 A. Yes.

24 Q. Correct?

25 A. Yes.

1 can't recall in her case whether it was forwarded -- forwarded

2 me or whether I was copied on it directly.

Q. Okay. And you would have been the contact person

4 involved in that request for review from the Provost office?

A. Correct.

6 Q. Okay.

7 A. Yes.

8 Q. All right. Is that also specified in the guidelines

9 or does it just say the Provost office and people know to get

10 it to you?

11 A. I believe it says the Provost office. I'd have to

12 look at the guidelines from that year to see exactly what it

13 said but I am also generally known in the Provost office as the

14 contact for the promotion and tenure process.

15 Q. Okay. And Did you ever have any discussions with

16 anyone -- well, before I go there, any other complaints that

17 you became aware of that either Dr. Nikolova or someone else

18 communicated about gender or pregnancy bias involving Dr.

19 Nikolova other than the request for CCAFR review?

20 A. Not that I recall.

21 Q. Did you have any conversations with either the --

22 your supervisor, Ms. Dukerich or the Provost or Dean Wood or

23 anybody in administration really about Dr. Nikolova's complaint

24 of gender or pregnancy discrimination?

25 A. Not that I recall. May I clarify your question?

13

1 Q. Sure.

- 2 A. For thinking of that in the frame of reference of the
- 3 initial -- the initial reading of that in the report, but is
- 4 that what you meant with your question?
- 5 Q. No. It's any of her complaints at any time about
- 6 gender and pregnancy bias, or anybody else's concerns about
- 7 gender and pregnancy bias involving Dr. Nikolova? Did you have
- 8 conversations with anyone in UT administration about those?
- 9 A. I don't recall specific conversations about those,
- 10 that's true, because it was part of her claim to CCAFR and part
- 11 of what they wrote down -- what they went -- referenced in
- 12 their report. It would be typical for conversations to take
- 13 place about the claims made by a candidate and the finding of
- 14 CCAFR but I don't recall specific conversations about that
- 15 aspect.
- 16 Q. Okay. Did you play any role in responding to CCAFR?
- 17 A. When the president is preparing to respond to the
- 18 CCAFR report, he has a meeting with the Provost and me and my
- 19 supervisor who was Dr. Dukerich at the time and legal counsel
- 20 from UT.
- 21 Q. Okay.
- 22 A. To answer your question, I participated in that
- 23 conversation.
- 24 Q. Right, and because the UT attorney was there, I'm not
- 25 asking you to tell us what was said because that would be

- 1 chairs, and members of the President's Committee during the
  - 2 period of the year where they are actively reviewing and
- 3 discussing files. Throughout other parts of the year, I assist
- 4 Senior Vice Provost and the Provost with assembling the general
- 5 guidelines for promotion and tenure and other related documents
- 6 that are on the Provost office website. Let's see. I attend
- 7 meetings on my own or with Senior Vice Provost or Provost or
- 8 other members of the President's Committee with department
- 9 chairs, Dean's and faculty members across campus throughout the
- 10 year to discuss the process and answer questions that
- 11 individuals have. During the period where the President's
- 12 Committee is actively reviewing the files, I'm in charge or
- 13 responsible for making sure they have the materials that they
- 14 need in an orderly fashion and in a timely manner. I sit in
- with the President's review committee when they are discussingfiles amongst themselves and with Deans. Once the President
- To the samongst themselves and with Deans. Once the Freside
- 17 has made a decision in a case, I record his decision, or her
- 18 decision -- that's his decision.
  - Q. What do you mean, "record"?
- A. Oh, good. I write it down so that it can be
- 21 transmitted into the letter that the President sends to each
- 22 Dean.

19

- 23 Q. And when you record that decision, is it a thumbs up
- 24 or a thumbs down?
- A. With each promotion candidate, there are a number of

15

- 1 protected. I'm asking about conversations that don't involve
- 2 the attorney.
- 3 A. I don't recall conversations that did not involve our
- 4 attorney.
- 5 Q. Okay. And just to be clear, you also didn't have any
- 6 conversations with anybody from the Dean's office for the
- 7 School of Engineering or the ECE department related to concerns
- 8 of gender or pregnancy bias concerning Dr. Nikolova, is that
- 9 correct?
- 10 A. That is correct in terms of my recollection, yes.
- 11 Q. I'm trying to figure out which questions I'm going to
- 12 ask you and which questions I'm going to ask UT, so pardon me
- 13 while I delay a little bit.
- 14 I guess, let me hear from you about your job
- 15 duties as the person from the Provost office that's in charge
- 16 of promotion and tenure issues. I'm sorry, I probably
- 17 misstated that a little bit, but if you could expound on that.
- 18 A. In that specific aspect of my position?
- 19 Q. Especially as it relates to 2018, 2019 when Dr.
- 20 Nikolova was going up for tenure?
- 21 A. Certainly. Okay. Let's see.
- 22 As I mentioned, I was and am generally
- 23 considered the individual in the Provost office who can address
- 24 questions related to the promotion and tenure process. Those
  - 5 questions typically come from candidates, Dean's, department

- 1 -- I don't know if a number -- there are specific outcomes that
  - 2 the President may decide up on. They vary and can be nuances of
  - 3 thumbs up -- thumbs down. And in the related documents on the
  - 4 Provost office website, there is a chart of the various types
  - 5 of promotion files and the various outcomes that can come about
  - 6 in those.
  - 7 Q. Would you write, while you're in the President's
  - 8 Committee deliberations, discussions, conversations with Deans,
  - 9 etcetera, do you take notes?
    - A. No.

10

- 11 Q. Okay. Your position is to facilitate access to
- 12 dossiers and answer any questions related to process?
- 13 A. Correct. Yes, and I -- I should specify, when you
- 14 asked about notes, I was thinking of notes about the merits of
- 15 specific candidates. It's true that I do not take notes on
- 16 those but I do take notes for ideas that come about from the
- 17 President's Committee about improvements to the process or
- 18 things that need to be clarified in the general guidelines or
- 19 discussed when they host various panel presentations. I do
- 20 take those notes. They're transitory and lead to the -- lead
- 21 in preparation for those discussions or improvements to the
- 22 general guidelines.
- 23 Q. Which are separate and apart from any particular
- 24 information or deliberation related to a particular candidate?
  - A. That's true.

17

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18

Q. And then to clarify the decision that you record, it

- 2 is just the result and not the reasoning?
- 3 A. Correct.
- Q. And just to be careful, would you define transitory 4
- 5 and your use of that word just a little bit ago?
- A. Oh, sure. The way I use that word was to describe a
- 7 record that I make in my capacity as the Assisant Vice
- President that then becomes memorialized in a -- for example,
- 9 final decision letter from the President or changes to the
- 10 general guidelines for promotion and tenure.
- 11 Q. For use in a future document?
- 12 A. Yes.
- Q. Okay. 13
- 14 A. Yes.
- 15 Q. Do you recall a conversation related to Dr. Nikolova?
- 16 A. Which conversation?
- 17 Q. The President's Committee.
- 18 A. Oh, yes, I do. I recall her case being discussed
- 19 between the members of the President's Committee and the Dean.
- 20 Q. Okay. And was the Dean present for the deliberation
- 21 and the decision?
- 22 A. She was present for discussion of the file. I don't
- 23 recall if she was present when the Dean -- excuse me, when the
- 24 President made a decision. I don't recall.
- 25 Q. Okay. Do you recall if the President made a decision

- 1 want to assume that conflict meant contention.
  - 2 A. Thank you.
    - Q. Okay. I guess if you could, what do you recall about
  - the discussion related to Dr. Nikolova with Dean Wood present
  - or not, if you could tell us.
  - 6 A. Pardon -- I cut you off. What did you say at the
  - 7 end?
  - 8 Q. If you could just tell us.
  - 9 A. I recall that it was not a clear case for tenure nor
  - 10 was it -- it was just not a clear case. There was -- I recall
  - 11 there being a fair amount of discussion relative to other
  - 12 cases. I recall concerns about her record being discussed. I
  - don't remember what they specifically were. I recall strengths
  - about her case being discussed but I don't remember
  - specifically what they were.
  - 16 Q. Okay.
  - 17 A. That's typical. I think that's a fair recollection.
  - 18 Q. Okay.
  - 19 A. An accurate recollection.
  - 20 Q. And do you understand that there was a unanimous P&T
  - committee vote in favor of promotion to tenure from the
  - 22 college?
  - 23 A. I actually did not recall what the vote was.
  - Q. Okay. So there would be strong support for her 24
  - promotion from the chair, the budget committee, the P and T

19

- 1 with the other committee members present related to Dr.
- 2 Nikolova?
- 3 A. I don't recall specifically.
- Q. Okav.
- 5 A. That would have been the normal practice. I think
- 6 that's fair to say but I don't recall specifically on this
- 7
- 8 Q. The normal practice is for the President to make the
- decision with the committee present and he announces his
- decision -- he or she, but it's he in this case -- announces 10
- 11 his decision with the committee present and you?
- 12 A. Yes.
- 13 Q. And do you recall President Fenves taking a poll on
- 14 Dr. Nikolova's case from the committee?
- A. I recall him soliciting feedback from the committee 15
- 16 members, yes. I don't know if I would characterize it as a
- 17 poll.
- 18 Q. Okay. Do you recall if there was conflict?
- 19 A. I don't recall.
- 20 Q. Okay.
- 21 A. I don't recall that.
- Q. Maybe that's a -- too general of a word. Was there 22
- 23 people on either side of the promote/don't promote --
- 24 A. That's what I don't recall.
- 25 Q. Okay. I just didn't want to -- you know, I didn't

- 1 committee, and it was only Dean Wood that actually gave the
  - 2 first negative vote. Did you understand that?
  - A. Yes, I do recall that.
  - Q. Okay. And so that alone would indicate that it
  - 5 wouldn't be a clear case one way or the other, I would think,
  - 6 right?
  - 7 A. I'd agree with that.
  - Q. Okay. And do you recall if the discussion centered
  - 9 around the fact that she was coming up early, i.e., not having
- spent six years at UT?
- 11 A. Yes, because -- the reason I'm certain I recall that
- 12 is because I recall that the options for the decision that the
- 13 President could make included promote, terminal appointment,
- and do not promote and for a tenured tract faculty member to
- have the option of do not promote it means that they have not
- completed six years of probationary status.
- 17 Q. At UT?
- 18 A. Correct, at UT.
- Q. Okay. Other than just remembering that those were the
- 20 options, do you recall the conversation about whether to
- promote to tenure or not involving in the fact that she was
- coming up early, i.e., the qualifications?
- 23 A. Could you ask that again, please.
- Q. Sure. I'm just trying to -- when I asked you if her
- 25 early status had been discussed -- had been part of the

21

1 discussion, you said you recall that it was because there were

- 2 options and I was wondering if there was anything else you
- 3 recall other than the fact that at the end of the day, he had
- an additional option or if you recall that there was actual
- 5 discussion about the topic among the participants.
- 6 A. Okay, thank you. I do recall there being discussion
- 7 about her years in rank at UT Austin and about her years of --
- which of those years of rank -- not specifically, but the
- number of those years in rank, that equal her probationary
- period. I do not recall specific detailed conversation about 10
- 11 that.
- 12 Q. Okay. And that's because she had taken a probationary
- extension year so the counting had to be understood? 13
- 14 A. That's correct. For all tenure track faculty
- 15 members, we calculate the number of years in rank at UT Austin
- and the number of those years that are considered that 16
- individual's probationary period at UT Austin, and they
- 18 sometimes differ.
- Q. Largely because of the probationary extension? 19
- 20 There are several reasons that they could differ.
- That certainly is one of them the probationary period 21
- extension. And then if a faculty member has a leave of absence 22
- 23 without salary, that year would not count as a year of
- 24 probationary service.
- 25 Q. Okay. So those -- is it just two?

- 1 A. Service, yes. The general guidelines for promotion
  - 2 and tenure specify that an individual who has fewer than six
  - years in rank is considered accelerated, and so that is how
  - that determination is made. And the second part of your
  - question was?
  - 6 Q. And let me -- let's get a clarification of the term
  - 7 in rank

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- 8 A. Certainly
  - Q. I understand there's some ambiguity from talking to
- Dr. Fenvez yesterday. There's in rank meaning as an assistant
- professor at UT?
- 12 A. Yes.
  - Q. Then there's in rank as being an Assistant Professor
- 14 at UT and anywhere else?
  - A. In one's career. I would agree with that.
- 16 Q. Okay.
- 17 A. Our general guidelines are referencing years in rank
- 18 at UT Austin.
- 19 Q. Okay. So when you're talking about general guidelines
- 20 in term, in rank means at UT?
- A. It does and we have since clarified that in the 21
- 22 general guidelines.
- 23 Q. Okay. So the guestion I was trying to get at was
- counting you said the half year that she worked in the spring
- of '14 was time and rank but not probationary service. In what
- 23

3

- A. The third one is a little different but a partial --
- 2 it matters in her case, a partial year of employment. That
- half year counts as a year in rank at UT Austin but that whole
- year does not count as a year of probationary service because
- 5 these are counted in years not in half years. And I'm a little 6 in my corporate hat right now, aren't I?
- 7 Q. Well, it's kind of both.
- 8 A. Okav.

1

- Q. It's kind of both, and I guess, yeah, I guess we
- could start. That would be the second topic. But we're going 10
- 11 beyond that because we're talking about stuff outside that, the
- probation. So the -- and just as a preview of things to come, 12
- if you recall that you testified about something that's related 13
- to one of the topics that I'm going to ask you later, you could 14
- say, as I testified before. 15
- 16 A. Okay.
- 17 Q. Because you're kind of both in certain circumstances.
- You have professional personal experience but then you're also 18
- testifying as UT and I'm fine taking that testimony efficiently 19
- 20 by you saying what I said before, okay.
- 21 A. Thank you. Okay.
- Q. Yes. 22
- Q. What is the difference between or what's the 23
- 24 distinction between time and rank and how would that be used
- versus year of probationary achievement or accounting?

- 1 way would the time and rank be used in the promotional process
  - versus probationary service?
    - A. Okay.
  - Q. If at all -- if it all, if it's used at all?
  - 5 A. Yes. So the time and rank is used to determine
  - whether the case is designated as accelerated or not. You can
  - also call that early or not. Accelerated is just the
  - terminology that we use. The probationary period years from a
  - process perspective, they -- an individual who has -- who is in
  - their 6th year at the time of review, their 6th year of
  - probationary service at the time of review has a different set
  - of outcomes than an individual who is not in their up or out
  - 13 year also known as the 6th year of probationary service.
  - 14 Q. I guess I'm still confused because wouldn't it be --
  - 15 well, why is it that time and rank determines whether it's
  - accelerated or not instead of the years of probationary service

  - that determines whether it's accelerated or not? 17
  - 18 A. I don't know the answer to that question. That
  - decision for it to be -- for that to be the procedure in the 19
  - general guidelines was a procedure that I inherited in my role
  - 21 not one I was part of developing.
  - 22 Q. Let's do a for instance. Somebody starts half year
  - so that doesn't count on probationary service. They take a
  - leave without pay for another semester some other time. That means that they have another half year of in rank but that

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1 whole year doesn't count for probationary service, right,

- 2 because it's a partial year?
- 3 A. Yes.
- 4 Q. Is that right?
- 5 A. Correct. A partial year of leave of absence would
- 6 mean that year does not count as a year of probationary7 service.
- 2 Olava On the author was a could be at a
- 8 Q. Okay. So then that person could be at six years of in
- 9 rank but five years -- well, four years of probationary10 service. So if they went up for tenure it wouldn't be
- 11 accelerated because they were at six years in rank?
- 12 A. That's correct. It would not be designated as
- 13 accelerated nor would it be an up or out year.
- 13 accelerated flor would it be all up of our year.
- 14 Q. Okay. So the term accelerated is distinct from the
- 15 term early, or early doesn't even come into play?
- 16 A. In our general guidelines, we don't use the term
- 17 early. We use accelerated. I understand early and accelerated
- 8 to be used synonymously but as you mentioned, there can be a
- 19 lot of confusion and a lot of clarification of what one means
- 20 when one says accelerated or early.
- 21 Q. So which still leaves me with some confusion. So we
- 22 have the example I used which is six years in rank and four
- 23 years probationary service would not be accelerated, correct?
- A. Correct, would not be designated as accelerated.
- 25 Q. So when -- if that person went up for tenure on that

- 1 have been a lot.
- 2 Q. President Fenves gave us the number 800 for his time

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- 3 as Provost and President. Would you be there longer than that
- 4 in the room or shorter than that?
- 5 A. Oh, I see, I have been in the room since he left the
- 6 university. I don't know if he was counting his cases when he
- 7 was Dean. Okay, Provost.
- Q. Because he wasn't actual on the committee.
- 9 A. I don't recall if I had one year before him or not in
- 10 the committee room.
- 11 Q. So you could -- you could be exceeding 1,000 at this 12 point?
- 13 A. I suppose I could be.
- 14 Q. Okay. So that just gives us background to the wealth
- 15 of experience that you have in that observation position. Do
- 16 you have a general feel for the person's that come up for
- 17 tenure review that there are more like over 50 percent or less
- 18 than 50 percent people that are in their upper out year or are
- 19 in the other category?
  - MS. HILTON: Objection. Form.
- 21 A. Pardon?
- 22 MR. NOTZON: She said objection.
  - MS. HILTON: Oh, Carmen, at times I'll object to
- 24 the form and you can go ahead and answer the question. It just
- 25 for something later on with our report. You can go ahead and

27

- 1 6th year of rank, there would be no need to explain the -- that
- 2 that's the term that's used right in the guidelines, is to
- 3 explain why the person is going up accelerated?
- A. The general guidelines do not require an explanation
- 5 for an individual who is in their 6th year in rank though I
- 6 will say it's often provided.
- 7 Q. Because people are confused about the policy?
  - A. To make sure that every one is on the same page about
- 9 what the years in rank are and what the years of probationary
- 10 service are.

8

- 11 Q. Okay. So you see that frequently where somebody is
- 12 acting like they're accelerated when they actually have the
- 13 years in rank?
- 14 A. You mean by acting like they're accelerated?
- 15 Q. They're behaving and communicating as if they
- 16 understand that being at the 4th year of their probationary
- 17 status is accelerated or early when, in fact, they are in their
- 18 6th year in rank.
- 19 A. I'd say it's more of an acknowledgement that they are
- 20 not in their upper out year or mandatory review in the 6th year
- 21 of probationary period service.
- 22 Q. From your experience and I guess you must have been
- 23 in at this point thousands of the President's Committee
- 24 deliberations
- 25 A. It would be interesting to count. Certainly there

1 answer.

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- A. Thank you, Amy. I am uncomfortable giving an answer
- 3 about data for data that I haven't looked at closely. So
- 4 speaking as Carmen Shockley, it is my sense that more often
- 5 than not candidates are in that 6th year of probationary
- 6 service when they're being reviewed for their upper out year

though I'm not comfortable getting close to the 50 percent mark

- 8 with that.
- 9 Q. Okay, I'll take that. Just getting your seat of the
- 10 pants feel for it.
- 11 MR. NOTZON: Let's go ahead and take a short
- 12 break okay. How this works -- off the record.
  - (A recess was taken at 9:47Â a.m.)
- 14 Q. (BY MR. NOTZON) Thanks for the break and again, if
- 15 you ever need one, you just let me know. Could you tell me the
- 16 names of the people that you recall being on the President's
- 17 Committee in that spring 2019 iteration?
  - A. Yes. I'm trying to recall if I recall correctly.
  - MR. SCHMIDT: Can we pause the deposition for a
- 20 moment? I'm having some issues on the recording side here.
- 21 (Technical difficulties. Brief pause in the
- 22 proceedings.)
- 23 Q. (BY MR. NOTZON) Waiting for you.
- A. Thank you. The members of the President's Committee
- 25 that year were President Greg Fenves, Provost Maurie McInnis,

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the vice President for Research Dan Jaffe, the Dean of the

- 2 graduate school and Senior vice Provost for academic affairs
- Mark Smith and the Dean of the undergraduate -- or Dean of
- 4 undergraduate studies Brent Iverson.
- 5 Q. Of those individuals, do you recall one or more of
- 6 them being a proponent or opponent of accelerated promotions 7 for tenure
- 8
- A. Just generally?
- 9 Q. Yes.
- 10 A. I can speak it generally for the committee, I
- 11 believe, on this topic, not for each individual.
- 12 Q. Right.
- A. Okay. So generally, the committees -- I wouldn't 13
- describe them as either proponents or opponents of accelerated 14
- 15 cases since every case is looked at on a -- for it's unique
- merits and on a case-by-case basis. I'd say in general, my 16
- understanding of the committees view was that we have a --17
- 18 what's referred to as a sort of normative time between reviews
- so being at 6th -- for tenured specifically, being not earlier 19
- than the 6th year in rank at UT Austin, and generally the 20
- 21 committee agreed that that was was the appropriate normative
- 22 time for a review not specific to anyone case, though --
- 23 Q. Right, okay. And you're saying when I ask you to
- 24 identify if there was one or more of the members of the
- committee that championed that issue more than others, you're

- option about whether that year counts or doesn't count, right.
  - So that's understood. And then individuals may take extensions
  - to the probationary period which they may also rescind and that
  - is understood. I think that's important context. That being
  - said, I recall in those conversations the President's Committee
  - asking of various cases. I don't remember the specific case.
  - Asking -- no, not asking -- acknowledging, right, those
  - variables. All that being said, I can't recall and don't think
  - 9 I can speak for the President's Committee view on individuals
  - in their up or out year or not in their up or out year while
  - 11 they have six years of rank -- in rank at UT Austin.
  - 12 Q. Okay. So having been in the room for all these
  - conversations, you couldn't say that when someone came up that 13
  - 14 was either accelerated or prior to their up or out year that
- you could always count on doctor-such-and-such to raise that
- 16 and focus their attention on resolving that issue in their
- 17 participation and discussion?
  - A. I agree with what you just said.
- 19 Q. Involving -- let me do another add on category so we
- 20 have the accelerated, we have the prior to the up or out year
- but not accelerated and those are involving UT time and work.
- Let's add on the prior institution that they came from, be it a
- peer or non peer institution and you'll let me know if that's
- an issue as well from your understanding. Does that change
- anything in the promotional tenure review process?

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- 1 not comfortable saying that meaning that you don't know or
- 2 vou'd rather not say?

18

- 3 A. -- I don't recall there being a difference of opinion
- 4 between the committee members this matter.
- 5 Q. Okay. And let me go ahead and clarify the -- or maybe
- 6 ask it a slightly different way kind of the same question but
- instead of saying accelerated, saying prior to the up or out
- year because those are distinct categories, right?
- A. They are. Yes, they are. Could you ask the question, please, using that category? 10
- 11 Q. Sure. From your experience being in the room and
- particularly in the iteration from the committee from two years 12
- ago that you experienced in the spring of 2019, do you recall 13
- any of the members being particular proponents or opponents of 14
- someone going up for tenure in not their up or out year prior 15
- to their up or out year which would then allow them to go up 16
- again sometime later presumably? Yeah, that's the question. 17
  - A. Okay. I testified earlier about the different reasons
- a person might not be in their up or out year and that number 19
- 20 of years might not be the same as the number of years in rank.
- 21 So I think that's important to keep in mind here because an
- 22 individual who goes -- for instance, who goes on leave of
- absence to -- for professional reasons to take another -- for 23
- 24 professional reasons, therefore, that time is really still
- continuing their faculty job for UT Austin doesn't have an

A. I believe there is -- or I don't believe but I have

- observed there being conversation about an individual's prior
- years in a similar tenure status or tenure track status at
- another institution being part of the conversations for various
- 5 candidates.
- 6 Q. Okay. And those are also referred to and that's where
- the ambiguity comes in, I think, as time in rank, right? It's
- time in rank but not at UT, but as an assistant professor
- tenured track at another institution. Are -- is it your
- understanding that the President's Committee reviews those
- 11 people as having sufficient time in rank, they combine the time
- 12 for the two institutions?
- 13 A. I believe they consider whether -- can you ask that
- 14 again, please.
- 15 Q. I'll try to ask it a different way. Is there any
- distinction whether from the fact of the difference that you
- know somebody spent two years at a prior institution tenure
- track and four years at UT, is there a distinction in how that
- 19 time is handled in the promotional review process?
- 20 A. Thank you. I do believe there's a distinction in the
- way those files are discussed, yes, acknowledging that an
- individual within their whole career may not be accelerated in
- terms of a career trajectory versus your second example where it's an individual who has had fewer than six years in rank at
- UT Austin without prior service. I do believe that distinction

1 is made within the conversations that take place in the

2 President's Committee.

3 Q. And just to clarify, so the person would be

4 accelerated if only found in UT in rank time but when you count

5 the other time, they would meet the six-year in rank time

6 period, are once they consider the prior time, are they no

7 longer considered accelerated?

A. They are still considered accelerated on UT Austin's

9 -- by UT Austin's guidelines.

10 Q. So the question needs to be answered why now?

11 A. Yes.

12 Q. Okay.

13 A. That question does need to be answered.

14 Q. And the why now is an explanation, correct? That's

15 what the guidelines say?

16 A. Yes, to explain -- I don't know if it said justify at

17 that time. To explain and/or justify the reason for the

18 accelerated review, yes.

19 (Exhibit 38 identified.)

20 Q. Let me go ahead and put up Exhibit 38 which are the

21 guidelines for the relevant period I believe. Let me know when

22 you have it.

23 A. Thank you. I have them open.

24 Q. Okay. I think when you look at Page 3 -- well, first

25 confirm these are the right guidelines?

1 state it's expected that that will be explained in the

1 state it's expected that that will be explained in the

2 department chair and Dean statements. Are you asking me if it

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3 was failed -- if there was a failure to explain that in a

4 promotion case would that case still be reviewed?

5 Q. Or not, yes?

6 A. Or not. The answer is the case would still be

7 reviewed.

8 Q. Okay.

9 A. Even if a chair or Dean failed to give an explanation

10 for a review in their statement.

11 Q. Or a satisfactory explanation?

12 A. The case is still reviewed and part of that review is

13 the discussion with the President's Committee and if the

14 explanation given I suppose was less than satisfactory, that

5 would come up in that discussion between the Dean and the

16 President's Committee.

17 Q. From your experience and observation, did you see

18 that the people that came up accelerated -- and I want to stop

19 repeating this -- before six years in rank at UT, but just to

20 make sure that we're talking -- about the same thing that -- I

21 just forgot my question.

(Last question and answer read back.)

Q. I'm still blanking so let's move on.

So, Ms. Shockley, in the review of the tenure

25 file, did you see that -- or did you hear discussions that

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23

A. Yes, these are the right guidelines.

2 Q. Page 3 of the document and A3-B?

A. Yes, that's what I'm looking at.

4 Q. Okay. And it says explain?

A. Explain. Yes, thank you.Q. And you see that as a different standard than

7 justify?

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A. I'm not sure I know what you mean by that question.

Q. Do you see those as two different ideas of what is

10 required to satisfy an accelerated tenure year?

11 A. Okay. Certainly they're different words. I have a

12 feeling when I use them as I did earlier in my testimony, I'm

13 not thinking of them as vastly different standards.

14 Q. Okay. When they're applied, are they a separate

15 question that must be answered like a box must be ticked and if

16 that box isn't ticked we can't go onto the review of the

17 qualifications of the candidate or is it part of the

18 qualifications of the candidate?

19 A. I'm sorry, I don't understand your question.

20 Q. Is it possible that when someone is coming up for

21 tenure review in an accelerated status as not both before six

22 years at UT in rank, that if they don't have a sufficient

23 explanation, not justification but explanation, that they would

24 not -- their case would not be ready to be reviewed?

25 A. I think I understand, thank you. The guidelines

1 there needed to be, if the case was accelerated, that the

2 person had to have higher qualifications? So if it's one year

3 accelerated higher qualifications than if it was an up or out

4 year, or if it was two years early they had to have even more

5 qualifications?

6 A. This is where the distinction between early in one's

7 career -- accelerated in one's career versus accelerated on the

8 -- on UT Austin's clock. This is one of the places where that

9 distinction would be part of the conversation because for a

10 person accelerated in their career where their years in rank at

11 UT Austin also matched their years as a tenured track faculty

12 member at any institution there would be an expectation that,

13 that individual would -- I don't know if I would use the words

14 higher standard but that, that individual would demonstrate

15 enormous strengths in their productivity, research and other

16 aspects that are reviewed in a promotion case. When an

17 individual is -- does that answer your question? Let me stop

18 there.

19 Q. I think so and you're saying in the category of

20 before six years in rank at UT and before six years in rank

21 anywhere?

A. As a tenured track faculty member at another

23 institution, yes. As I mentioned earlier or testified earlier

24 that that distinction would be recognized and discussed for

25 those faculty members, for those candidates.

Appx.0541

Q. And that's separate and apart -- that would not --

- 2 that discussion wouldn't apply if the person had the time and
- 3 rank of six years or more at UT and somewhere else?
- 4 A. I think -- so I think it may help to explain this in
- 5 one other way. As we saw in the guidelines, those cases
- 6 considered before the six year in rank at UT Austin must be
- 7 explained. One of -- or a part of that explanation or that
- 8 whole explanation could be well, that person has prior years as
- 9 a tenured track faculty member at another institution so that's
- 10 where it comes into a discussion and into the -- well, into the
- 11 discussion is in considering the explanation.
- Q. Okay, so I think that helps and maybe it creates
- 13 categories of conversation, let me propose my understanding of
- 14 what you're saying is you have a candidate that goes up for
- 15 tenure six years in rank at UT, six years probationary status
- 16 at UT, up or out year, they're discussed, there's no need to
- 17 talk about why they're accelerated or anything like that,
- 18 that's not part of the discussion, it's just about do they meet
- 19 the standard for tenure, correct?
- 20 A. Yes.

1

- 21 Q. Okay. That would be one category of people. The next
- 22 category of people would be somebody that has six years in rank
- 23 at UT, is not accelerated but still is not in their up or out
- 24 year. That conversation is going to be pretty similar to the
- 25 first category?

- 1 have to say I have to make that additional decision which --
  - 2 A. Yes.
  - 3 Q. -- would not happen.
  - A. Yes.
  - 5 Q. Which wouldn't happen in the first category because
  - 6 it's already assumed a no tenure is terminal appointment.
  - 7 A. In the first category where someone is in their
  - 8 mandatory review year, yes. Do not promote is not an option in
  - 9 that case.
  - 10 Q. Have you ever seen the President issue a terminal
  - 11 appointment for a non route year?
  - 12 A. Yes. I don't recall if we have one or two examples
  - 13 of that in my time in the Provost office but yes.
  - 14 Q. But not with President Fenves?
    - A. I don't recall in the second one I'm thinking of who
  - 16 was the President.
  - 17 Q. Okay. Did those examples, did they result in a
  - 18 separation or --
  - 19 A. Not really, no.
    - Q. Okay. They did a final argument and it was over
  - 21 turned?

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- 22 A. I'd have to look at those two records specifically
- 23 because I don't recall if -- well, it would have been terminal
- 24 appointment. They would have had the option to have final
- 25 arguments. I don't recall if they did or not or if they were

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- 1 A. I'm making sure I understand that example. In rank,
- 2 not up or out?
- Q. Not accelerated and not up or out.
- 4 A. Yes, that is a category. I would say that's a
- 5 category of conversations, yes.
- 6 Q. And that conversation is going to be not unlike the
- 7 first category of up or out?
- 8 A. I would agree with that.
- 9 Q. Okay. There's no reason to talk about anything else,
- 10 right? The only difference, would you agree the only difference
- 11 of that second category is that when it comes time if there's a
- 12 denial from the President's Committee, the rules say no final
- 13 argument, no reconsideration by the President's Committee?
- 14 A. So in that second category the President -- the
- 15 second category being the individual has six years in rank at
- 16 UT Austin the individual has four years that are designated as
- 17 probationary service. The President may decide to promote.
- 18 The President may decide a terminal appointment in that case or
- 19 do not promote. If the President's decision is terminal
- 20 appointment then the individual may submit final arguments.
- 21 Q. Okav?
- 22 A. Okay. So terminal -- final arguments are allowable
- 23 when a candidate has a terminal appointment.
- Q. Okay. So even then, they might even be exact, the
- 5 conversation would be exact with them but I guess they'd still

- 1 put forward for reconsideration in their terminal year which is
  - 2 a separate process that could -- can result in promotion.
  - 3 Q. Okay.
  - 4 A. Okay.
  - 5 Q. All right. So let's -- we're going down the
  - 6 categories of discussions that would happen. So the third
  - 7 category would be that they have six -- they have four -- they
  - 8 have less than six years at UT but they have sufficient years
  - 9 at the prior institution to make six or more years in rank
  - 10 total. Of course, they wouldn't be in their up or out year at
  - 11 that point?

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- A. Uh-huh.
- 13 Q. So would that be a third category?
- 14 A. Certainly a third category of candidate.
- 15 Q. Because there would have to be a discussion of their
- 16 prior service?
  - A. There would be, yes, I agree with that.
- 18 Q. And it would have to be viewed as acceptable? Right,
- 19 to the committee, that their prior service combined with UT
- 20 service is sufficient to warrant consideration that the
- 21 explanation of accelerated would be satisfied by it or have to
- 22 be satisfied by it.
- 23 A. I would say it would be acknowledged that that is an
- 24 explanation for an accelerated review at UT Austin.
  - Q. And from your experience, you've seen that that is

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1 the reason why -- the reason given, explanation for the

- 2 accelerated review of --
- 3 A. I have seen that reason.
- 4 Q. Multiple times?
- 5 A. I have seen that reason given by Chairs and Deans.
- That explanation, rather, given in Chair and Dean statements
- 7 for candidates, yes.
- 8 Q. And I understand from my review some of the documents
- 9 that one of the reasons that that is a common explanation is
- 10 that there is a -- I think it's called Provost strategy to
- 11 recruit faculty that are at other institutions that are already
- 12 have years in rank at those other institutions, is that
- 13 correct?
- 14 A. I'm not familiar with the document you're describing.
- 15 Q. It's not a title. It's in some documents I've read
- 16 in this case that the Provost has indicated a preference or
- 17 support for recruiting faculty that have time in rank already
- 18 when they come to UT.
- 19 A. I have certainly observed the Provost supporting that
- 20 type of hire as well as other types of hires where that
- 21 wouldn't be the case.
- 22 Q. Yeah, it's not an only thing but it's an additional
- 23 recruitment tool.
- 24 A. Additional? By additional recruitment tool, what do
- 25 you mean?

- 1 recruitment tool have that's what I was talking about.
  - i recidilinent tool have that's what I was talking about
  - 2 A. I would agree that -- let me start a little
  - 3 differently. It's hard for me to speak to the various ways
  - 4 department Chairs and Dean's negotiate with faculty recruits
  - 5 just because that is not part -- I'm not part of those
  - 6 conversations so that's hard for me to speak to?
  - 7 Q. Okay, no problem. If you're not aware of that then
  - 8 that's no problem.
    - A. Thank you.
  - 10 Q. Okay. And then let's say this is the last category
  - 11 there's probably many more categories but there's the person
  - 12 who has the tenure candidate who has less than six years
  - 13 probationary status, less than six years in rank at UT and does
  - 14 not have either has zero other experience or insufficient time
  - 15 in rank at a prior institution to get to six years. So it's
  - 16 accelerated to UT and it's accelerated so it's kind of like
  - 17 accelerated squared or double early or whatever. That's a
  - 18 different category of conversation?
  - 19 A. I would agree with that. What I would agree with is
  - 20 that that would certainly be acknowledged and a category of
  - 21 conversation.
  - 22 Q. Okay. And from what you were saying earlier, it
  - 23 sounded like that's the category of people that there would be
  - 24 a discussion that, hey, this guy has got to be -- this guy or
  - 25 gal has got to be exception?

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- Q. That someone who is recruited that's already teaching
- 2 and already on a tenure clock somewhere else that they're
- 3 recruited to come to UT and told that it is possible that their
- 4 time at the prior institution could be used to count for the
- 5 time in rank to go up for tenure at the candidate's discretion
- 6 along with the Chair?
- 7 A. Certainly can be used as an explanation, yes.
  - Q. But I'm talking about it's also used as a
- 9 communication to the candidate during the recruitment?
  - MS. HILTON: Objection. Form.
- 11 A. Would you be willing to rephrase that question for
- 12 me, please?

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- 13 Q. No. No problem. So when you answered the last
- 14 question, you said certainly it's an explanation. I understood
- 15 that to be satisfying the guidelines for tenure review which
- 16 requires an explanation for accelerated review and my question
- 17 wasn't about that it was about when in terms of Provost
- 18 supporting recruiting faculty that already had experience in
- 19 rank somewhere else, that the candidate, the recruiting
- 20 candidate is told that, we want you to come to UT and if you so
- 21 choose, it's possible to count your time at your prior
- 22 institution as time in rank so that you could go up at six
- 23 years combined time and not have the wait the entire six years
- 24 at UT as an option. It's not a guarantee or anything like that
- 25 but they're told that. Do you understand that? It's a

- 1 A. Yes, I would agree with that.
  - Q. Okay.
  - 3 A. Yeah, I think I phrased it as I don't quite remember
  - 4 what my testimony was on that but yes I refer to my earlier
  - 5 testimony
  - 6 Q. She has it. It's in the can as it will.
  - 7 A. Thank you.
  - 8 Q. All right. So that is what I wanted to to is to try
  - 9 to get what you said before in those -- in that way and talk
  - 10 about it in terms of categories. Would you say that, that
  - 11 additional expectation of the qualifications of the candidate
  - 12 is only relates to that fourth category or is it -- does it
  - 13 apply to any of the other categories as well?
  - 14 A. I want to be clear on what we're saying or what
  - 15 you're asking would apply to the fourth category.
  - 16 Q. What are you looking at on the side there?
  - 17 A. Oh, I wrote down the four categories.
  - 18 Q. Okay. Okay. All right.
  - 19 A. Sorry.
  - 20 Q. That's okay.
  - A. Just so that I could keep up with the four examples.
  - 22 So in all cases for tenure at UT Austin, there is an
  - 23 expectation of demonstrated excellence, impact and a future
  - 24 trajectory which is aligned with that of a tenured associate
  - 25 professor at UT Austin. So that is part of the conversation in

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1 all categories I think, and I want to say that -- I would say

- 2 certainly the vast majority of conversations I've observed with
- 3 the President's Committee all files have strengths and
- 4 weaknesses that are assessed. It's been my observation that
- 5 the category of faculty who are accelerated -- and I'm still
- 6 looking at my four things -- who are accelerated in terms of
- 7 their time and rank at UT Austin being fewer than six years and
- 8 they don't have time at other institutions as a tenured track
- 9 faculty member that in that case, there is -- they're
- 10 especially looking for those strengths to far outweigh any
- 11 weaknesses. I believe in the other three categories and I'm
- 12 looking at them carefully -- I'm not sure that I have observed
- 13 the other three categories having a great difference in the way
- 14 that they are discussed in attempts of strengths and weaknesses
- 15 and the resulting decision. It's a hard question to answer
- 16 because each case is so unique and so I am trying to provide
- 17 helpful generalizations based on my observations, but yes, but
- 18 it's so unique.
- 19 Q. Okay. I didn't want to interrupt.
- 20 A. I'm sorry.
- 21 Q. Oh, no. Okay so I'm going to throw you a little
- 22 curve ball. So would that -- would your answers still be the
- 23 same if I have the added component of the time, the third
- 24 category where they have time at the other location that
- 25 satisfies the six years when combined with UT time and rank

- 1 Austin but they are not up or out. I believe that was our
  - 2 second category. In both of those categories because it is not
  - 3 a mandatory review, the university has the option to, if there
  - 4 are -- if there are weaknesses in the file that are weighing
  - 5 heavily against the strengths and so on balance it's not a
  - 6 clear decision what's in the best interest of the university
  - 7 and both of those categories the university has the option to
  - 8 wait and see if those concerns can be resolved. And if that's
  - 9 the case and a do not promote decision comes from the
  - 10 President, then it would -- this is really speaking as Carmen
  - 11 Shockley, it would be my hope those candidates come up again
  - 12 having addressed those concerns ultimately hope every candidate
  - 13 is successful for tenure.
  - 14 Q. So and just to clarify that answer and that was a
  - 15 great answer. It clarifies that portion. It's not that they
  - 16 have to show more qualifications like the fourth category.
  - 17 It's just that there's a safety outlet for the President's
  - 18 Committee to not have to make the -- jump off the cliff
  - 19 decision of the up or out that if there's any question, they
  - 20 can err on the side of caution and kick the can down the road
  - 21 as it would?
  - 22 A. Yes, yes, if they don't -- if they're not yet
  - 23 convinced it's in the best interest of the university to tenure
  - 24 that individual they have the option to wait.
  - 25 Q. Okay.

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- 1 that UT wouldn't necessarily have as close an eye on their
- 2 performance in that period of time that would cause them to
- 3 want the demonstration of excellence be greater at UT, the UT
- 4 portion?

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- MS. HILTON: Objection. Form.
- Q. When compared with the other first two categories.
- A. I understand we're talking about the category where
- 8 there are less than six years in rank at UT Austin as a tenured
- 9 track Assistant Professor, that that individual has had time as
- 10 a tenured track Assistant Professor at another institution, and
- 11 they are not up or out. Okay. I understand we're talking about
- 12 that category. I'm sorry, I don't understand from your question
- 13 is what about that category.
- 14 Q. Is the fact that the UT people, the President's
- 15 Committee considering this case, don't or feel that they might
- 16 not have the level of comfort with the performance of the
- 17 candidate because they only have X years at UT and didn't
- 18 really -- weren't there for the prior years or there's
- 19 something about their prior experience that would cause group
- 20 three to inch up a little bit and have to show a little bit
- 21 more to get to tenure than the first two categories and a
- 22 little bit less than the fourth category.
- 23 A. So I believe there are some similarities or I've
- 24 observed some similarities between this category and the
- 25 category of candidates where there are six years in rank at UT

1 MR. SCHMIDT: Robert if you're at a stopping

2 point can we take a quick break?

MR. NOTZON: Sure, sure.

4 (A recess was taken at 10:40Â a.m.).

- 5 Q. (BY MR. NOTZON) Ms. Shockley, wanted to ask you about
- 6 the -- one more question about the President's Committee
- 7 consideration of Dr. Nikolova. Do you recall anything about
- 8 what Dean Wood's participation was in that discussion?
- A. I can't recall any -- her participation. She was
- 10 present for the discussion and participated in the discussion
- 11 with the President's Committee, I recall that. Do you mean
- 12 anything beyond that?
- 13 Q. If you recall. You know, she's the sole dissenting
- 14 vote or recommendation that gets Dr. Nikolova from some very
- 15 strong votes below her, and I would think that you know there
- 16 would be some distinction of her presentation about Dr.
- 17 Nikolova that was kind of different than others because of the
- unanimous vote of her committee at the college level.
  A. I don't recall the specifics of the conversation with
- 20 Dean Wood.
- 21 Q. All right. And then, you had mentioned that you don't
- 22 take notes of the discussion or the reasoning behind the
- 23 decision and I was wondering if you know why that is?
  - A. I suppose I don't.
  - Q. Okay. In the promotional process which you're

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1 familiar with, you've worked in it for many years, the dossier

- 2 is in writing, the chair, the budget counsel's vote is
- 3 recorded, documented, the chair is to write a statement about
- 4 the -- explaining the support for the Budget Council's vote,
- 5 the pros and cons, the positives and negatives of the file and
- 6 explaining any abstentions and absences. And then the P&T
- 7 Committee's discussion, the vote is documented and the Dean is
- 0
- 8 supposed to write, in this case, her own assessment as well as
- 9 fairly documenting the P&T's position and explaining their
- 10 vote
- 11 And so there's quite a bit of written record
- 12 that people can look at to rely on but when it comes to the
- 13 actual decision and discussion and the reasons for granting
- 14 tenure or not granting tenure or the whatever available options
- 15 there are to the President, that isn't written down so that
- 16 nobody really knows why that happened. Would that be accurate?
- 17 MS. HILTON: Objection. Form.
- 18 A. It is accurate that the individuals and the
- 19 committees that you noted provide -- or there is a recorded
- 20 vote or there are statements that are written at the
- 21 department, committee department chair and Dean level. That is
- 22 accurate.

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- 23 Q. The last part, nobody who wasn't in the room would
- 24 know -- well, actually, even if you're in the room, you
- 25 wouldn't necessarily know why the President decided what the

1 about it because neither of those are guaranteed, correct?

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- 2 A. I suppose that is true. Yes, it would -- yes.
- 3 Q. Whereas, if it's written down, we don't have to rely
- 4 on anybody's memory and we don't have to rely on anybody's
- 5 honesty because historically we know what happened.
- 6 A. I see. It would be relying on something different,
- 7 yes.8 Q. And were you ever told why -- well I'm assuming you
- 9 were told you're not allowed to take notes or record any of the
- 10 discussions that go on in the presence of this committee, is
- 11 that correct?
- 12 A. I don't recall being told I'm not allowed to. When I
- 13 was learning that part of the position from the individual who
- 14 sat in that seat before me, it wasn't part of what I was
- 15 trained to do, so to speak, being told these are your
- 16 responsibilities in the meeting. I was not asked or told one
- 17 of my responsibilities would be to take notes on the merits of18 the file.
- Q. Okay. So when you were told what to do nobody saidrecord or write down everything or explain why but your
- 21 testimony is they also didn't tell you not to?
- 22 A. I don't recall being told not to write notes.
- 23 Q. Well, you write notes about the stuff that relates to
- 24 process --
- 25 A. Yep.

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- 1 President decided because it's not explained in writing.
  - A. It is -- I agree that it is not explained in writing.
  - Q. And just to complete that thought, historically, you
- 4 can't go back and say you said you denied tenure for these
- 5 reasons, A, B, C, D, E, or you didn't. You can't do that
- 6 because there is no documented explanation for the decision?
- 7 A. That is correct that there would not be a documented
- 8 explanation to refer to. That would be -- that's correct.
- Q. And when you do hundreds of these at a time, it wouldbe difficult to testify that you remember what happened and the
- 11 reasoning if you don't write it down?
- 12 A. I guess that would -- that would vary depending on
- 13 the individual's memory and what they typically can and can't
- 14 recall but it's truly based on an individual's memory.
  - Q. Memory and honesty?
    - MS. HILTON: Objection. Form.
- 17 A. Can you ask that a different way, please.
- 18 Q. Sure. So sitting here two years -- over two years
- 19 later and finding out why Dr. Nikolova was denied tenure by the
- 20 President and the President's Committee and whatever the
- 21 reasonings were discussed there and whatever formed the basis
- 22 for the denial there has to be memory but there also has to be
- 23 honesty, that whatever anybody who was in that room testifies
- 24 to about what happened and why, they'd have to -- they'd
- 25 actually have to remember what happened and then tell the truth

- 1 Q. Your process of writing notes but you don't write
  - $\,2\,\,$  notes about the decision making or the reasoning. So it seems
  - 3 like you are making a conscious decision not to write about
  - 4 those other things that are going on around you and picking out
  - 5 items that don't relate to the specific promotional decision.
  - A. Because I understand my role and reason for being
  - 7 there to -- because of the way in which I understand that role
  - 8 to write down the decisions that are made so that those can
  - 9 then be put into a letter and to write down -- make note of the
  - 10 ideas that come up as I mentioned -- as I testified earlier for
  - 11 process improvements, general guidelines improvements,
  - 12 potential presentations to different groups on campus. So it's
  - 13 more of an understanding of what my role is which I think I
  - 14 have a good understanding of rather than directives about what
  - 15 I'm not supposed to do just as I know I'm not supposed take a
  - 16 phone call during that meeting, or that that would be contrary
  - 17 to the expectation of me being there. No, I haven't been asked
  - 18 to record notes on merits of the individual files.
  - 19 Q. Not my job. That's not part of my job description?
    - A. That's true.
    - (Exhibit 45 identified.)
  - 22 Q. Okay. Let me go ahead and put up another exhibit. So
  - 23 this will be Exhibit 45.
  - A. I've opened it up and I was going to take a moment to
  - 25 familiarize myself with it.

Appx.0545

Q. Yes. Just let me know when you're ready.

2 A. Thank you.

1

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(Brief pause in the proceedings.)

- A. Okay, thank you. I was able to read it.
- 5 Q. Okay. So this would have been another time -- and I'm
- 6 not trying to got you or anything -- this would have been
- 7 another time that you would have been notified of Dr. Nikolova
- 8 having a complaint of discrimination. Would that be accurate?
- 9 A. Sorry, I do not recall this e-mail before looking at
- 10 it just now but, yes, I received this e-mail.
- 11 Q. Okay. And do you recall if -- so you're copied on
- 12 your supervisor's e-mail to Dean Wood. Was that the first time
- 13 you were brought into this or were you also copied, because you
- 14 can't tell from Dean Wood's e-mail who she wrote it to besides
- 15 it being to Ms. Dukerich.
- 16 A. That's true. I don't recall if I was copied on Dean
- 17 Wood's e-mail on September 6 at 3:49 in the morning.
- 18 Q. And then -- yeah. And then 12 hours later that
- 19 you're there. Did you participate in that conversation?
- 20 A. I don't recall. I'd to have look at my calendar.
- 21 Q. Okay. And I guess what I'm asking is, do you recall
- 22 what happened in the conversation if you were there and you
- 23 don't even remember being there?
- 24 A. That's correct. I'm sorry.
- 25 Q. No, no, that's an answer. I just want to know what

- 1 faculty member brings about a grievance against another faculty
  - 2 member or administration, or the few lawsuits that have come
  - 3 about, I have been aware of those and had conversations about
  - 4 them that is typical for my job. But I'm sorry, I don't recall
  - 5 specific conversations that took place.
  - 5 specific conversations that took place.
  - Q. Okay. So you can't -- you can't name one person that
  - 7 you had a conversation with? You can't name anything about
  - 8 conversations about Dr. Nikolova's lawsuit at all? No?
  - 9 A. Outside of -- I think your question was specific to
- 10 outside of conversations with UT legal.
- 11 Q. Yes.

13

- 12 A. That is correct what you just said.
  - Q. Are you aware of any other lawsuits against UT that
- 14 relate to gender or pregnancy bias or discrimination besides
- 15 Dr. Nikolova?
- 16 A. Specific to gender or pregnancy? I mean, I don't know
- 17 the specific basis for --
- 18 Q. Or retaliation?
- 19 A. Or retaliation. I believe that, if I recall, I don't
- 20 know if I'm recalling correctly that Karen Pagani, another
- 21 faculty member who is an Assistant Professor who was not
- 22 tenured brought a lawsuit that may have had gender
- 23 discrimination and retaliation but I'm not familiar enough with
- 24 those -- the claims in her lawsuit to speak to that.
- 25 Q. Okay. Did you testify in that lawsuit?

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- 1 you know and what you remember.
- 2 A. Sure, okay.
- 3 Q. So does this refresh your recollection that the
- 4 lawsuit was -- this is the first time you learned of the
- 5 lawsuit from Dr. Nikolova?
- 6 A. I don't know. I don't recall if I was notified in
- 7 some other way prior to this. I don't know.
- 8 Q. Okay. You ever been -- other than to give your
- 9 testimony today, related to preparing as a corporate rep, did
- 10 you have any other conversations regarding the lawsuit from Dr.
- 11 Nikolova with anyone that wasn't an attorney?
- 12 A. I don't recall specific conversations or specific
- 13 dates where conversations took place.
- 14 Q. So you think you were part of conversations but you
- 15 don't recall when and where?
- 16 A. That is correct. That's a fair thing to say I'd
- 17 agree.
- 18 Q. What do you recall?
- 19 A. Pardon me?
- 20 Q. What do you recall about those conversations if
- 21 anything?
- 22 A. When -- I don't recall specific conversations about
- 23 or when those conversations took place or who they took place
- 24 with about this. I feel like conversations are likely to have
- 25 happened because in my role in the Provost office, when a

1 A. I did not.

- Q. Okay. Do you know if it went to trial?
- A. I do know that it went to trial.
- Q. Do you know what the result? In other words, did she
- 5 win or did UT win?
- 6 A. Okay, I know that. I'm trying to think of very
- 7 specific things. I believe UT Austin I guess won I'm not sure
- 8 if that's the proper terminology for me to use but the finding
- 9 was for UT Austin.
- 10 Q. Okay.
- 11 A. Yeah.
- 12 Q. You're not aware that she won the retaliation claim?
- 13 A. Well, that is what I was trying to think of that I
- 14 believe there were four -- I recall that there were four -- I
- 15 don't know, I'm sorry I'm not going to use the proper legal
- 16 terms here but that there were four maybe judgments that the
- 17 jury returned a decision on, three of which were found or UT
- 18 Austin, one of which was found for professor Pagani I and that
- 19 it had to do with retaliation but I don't know the specific
- 20 judgment.
- 21 Q. Okay. Any other complaints or lawsuits related to
- 22 gender, pregnancy or retaliation that you can recall besides
- 23 Pagani?
- A. Besides that one? I cannot recall the specific I
- 25 guess terms of the lawsuits that have been brought in the --

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1 any other ones that I might be aware of.

- Q. Okay. Have you testified in any other lawsuits?
- 3 A. No, I have not.

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4 (Exhibit 46 identified.)

- Q. Let me pull up another exhibit. This will be 46. 5
- 6 A. All right. I've opened it up I'm going to read

7 through it to familiarize myself.

- 8 (Brief pause in the proceedings.)
  - A. Okay, thank you. I've read through the document.
- 10 Q. Okay. You're not on this e-mail chain but you're
- 11 referenced by Dean Wood about next steps. Do you recall being
- consulted about this communication from Dr. Nikolova, the final 12
- 13 arguments letter?
- A. I recall, in terms of Dr. Nikolova and her promotion 14
- 15 file and the final arguments process, I do recall there being
- question about whether she was based on the outcome of her case
- 17 if final arguments would be considered from her. If I recall
- conversations and e-mails about that with -- I don't recall the 18
- 19 specific days and times but I recall conversations with Janet
- 20 Dukerich, with Sharon Wood, and with Professor Nikolova. There
- 21 may have been other conversations but those are the ones I
- recall. I don't recall if professor -- Dr. Dukerich and Dean 22
- 23 Wood and I had a conversation, the three of us or not.
- 24 Q. Okay. If you see the e-mail chain communications,
- 25 Professor Twefik forwards this to Dean Wood, and Dean Wood

1 (Brief pause in the proceedings.)

- 2 A. Thank you for that time. I've read it.
- 3 Q. Okay. And again you're not copied on this e-mail but

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- you're referenced as having conversations with Dr. Nikolova.
- Do you remember the context of those conversations that she
- references?
- 7 A. I remember talking with her during this time period,
- 8
- 9 Q. Would it be your job to let her know of the deadline
- to withdraw her consideration and also let her know of the
- potential threat of a terminal appointment in her situation?
- 12 A. Certainly it would be my job as I testified earlier
- 13 to answer questions from candidates and so being asked a
- question about when a candidate could withdraw their promotion
- dossier would be my job to answer. In a non-reviewed --
- 16 non-reviewed -- in a non-mandatory review or up or out review,
- a candidate has the option to withdraw their file any time
- before it goes to the President's Committee. And since I'm
- aware of when they go to the President's Committee, I would be
- able to give her that deadline or give a candidate that
- deadline. It would also be my job to answer any questions
- about possible outcomes referencing the charter recommended
- 23 actions document on the Provost website that I mentioned or
- 24 testified about earlier.
- 25 Q. Okay. And just to clarify it's your job to answer

- 1 questions. Is it also your job to affirmatively communicate to
- 2 then Dr. -- Professor Tewfik asks about whether she had access 2 the candidate without them approaching you to ask questions?
  - A. Do you mean would it be my job to reach out to a
- 4 assuming that or positing that Dr. Nikolova must have done 4 candidate with information without having been asked a
  - 5 question?
    - 6 Q. Yes.
    - 7 A. Okay. One point of the process comes to mind where
    - 8 yes that is my job after the President's decisions have been
  - made known to the Deans and candidates have been informed of
  - the final outcome, I contact any candidate via e-mail who has
  - either a terminal appointment pending or a decision of do not
  - promote to outline procedural next steps and resources that
  - they are eligible to avail themselves of. That's one example
  - 14 that comes to mind.

15 (Exhibit 47 identified.)

- Q. Okay. So only after the President's decision but I
- guess at this point with where we are in the timeline for Dr.
- Nikolova and exhibit -- 47 is this exhibit, 862, Exhibit 47 is
- at the point after the Dean has informed Dr. Nikolova that
- she's recommended against tenure, you don't have any role to
- play other than just field questions that come to you?
- 22 A. Nothing is coming to mind in terms of our process
- 23 steps at this point, though I can't say that I've never reached
- out to a candidate.
- 25 Q. If a candidate calls you and asks questions, do you

1 comments on the extensive research that Dr. Nikolova did. And

- 3 to the promotion file. And then Dean Wood asking about or
- 5 Freedom of Information requests or somebody else did, and then
- 6 Professor Twefik saying that's problematic.
- 7 Were any of those issues what Dean Wood was
- consulting with you about that Dr. Nikolova may have had 8
- 9 inappropriate access to promotional files of other professors?
- 10 A. I don't recall discussing that at all.
- 11 Q. Would you agree that it's problematic the information
- 12 that Dr. Nikolova had and used in her final arguments
- 13 discussion?
- MS. HILTON: Objection. Form. 14
- 15 A. I have -- if she filed Freedom of Information Acts or
- Freedom of Information requests, or open records requests is
- 17 how I typically I refer to them, and received documentation as
- a result of that and used that information in her final
- 19 arguments, I do not find that problematic.
- 20 Q. Okay. That's a public record and anyone in -- that's
- 21 a citizen could have access?
- 22 A. Certainly.
- 23 Q. Okay. Next one.
- 24 A. I have opened this one. I'm going to scroll down and
- familiarize myself. Oh, it's short. Just take me a moment.

1 go beyond the answer to their question and provide them with

- 2 other information that you might have that you think they might
- 3 want to know?
- 4 A. I think, yes, that is -- yes, that could happen in a
- 5 conversation with a candidate.
- 6 Q. Okay. I'm sorry, I didn't want to interrupt. Are you
- 7 finished?
- 8 A. Yes.
- 9 Q. If -- do you recall if in this instance all these
- 10 issues that Dr. Nikolova is outlining in her e-mail, No. 1,
- 11 that she called you to ask questions and, No. 2, you provided
- 12 her this information, whether she asked for it or not?
- 13 A. It's my recollection that she asked to speak with me.
- 14 We had several e-mail exchanges over the course of the year in
- 15 which she went under review. I don't recall on each of these
- 16 points, specific to each point whether it was a question that
- 17 prompted my answer or I provided her additional information
- 18 during that call. The -- I'll also say that the paragraph
- 19 where it says Carmen confirmed a case that happened some years
- 20 prior, I don't recall that part of the conversation and I'm not
- 21 sure which case that is referring to.
- 22 Q. Okay.
- 23 A. What gives me pause is that the part where it says
- 24 the department successfully pushed back to change that to not
- 25 promote. I'm not sure what case that is referring to.

- 1 Q. What do you recall about the terminal appointment
  - 2 when it wasn't an up or out year?
  - 3 A. So I recall that fact that it was a terminal
  - 4 appointment when it was not an up or out year. I recall that
  - 5 ultimately the candidate was reviewed again -- or candidates if
  - 6 there were two -- reviewed again and were promoted with tenure.
  - 7 I don't recall a terminal appointment being changed to a do not
  - 8 promote. I just don't recall it. I'd have to look back at our
  - 9 promotion records to verify that.
  - 10 Q. Do you recall if the terminal appointment was changed 11 to tenure?
  - 12 A. I recall that there was a decision of terminal
  - 13 appointment, and then later following another review, a
  - 14 decision to promote with tenure.
    - Q. So of the two terminal appointments that weren't up
  - 16 or out years, one ended up with a promotion on further review
  - 17 and one didn't?

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- 18 A. I'm really -- I should only be speaking about the one
- 19 I'm recalling since the other one was a reference, right, to
- 20 something I'm not quite certain about. So what you've just
- 21 described I recall about one of the cases and I cannot recall
- 22 the details of the other case.
- 23 Q. Okay.
- 24 A. Yeah.
- 25 Q. And then does anything else in this e-mail strike you

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- Q. Okay. And earlier you testified that there were I
- 2 think you said two terminal appointments when it was not the up
- 3 or out year?

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- 4 A. Yes.
- 5 Q. And that did not result in terminal appointments so
- 6 clearly you remember that something happened of that nature but
- 7 this is not something you remember or --
- 8 A. I think what would be happening here is the
- 9 terminology being used.
- 10 Q. Okay.
- 11 A. So because -- yes, my earlier testimony that I do --
- 12 about the two -- I believe I said I recall one and I think
- 13 there was a second one may be what's being referenced here and
- 14 it may be a problem with terminology.
- 15 Q. Okay.
- 16 A. Yeah.
- 17 Q. So that description of the terminal appointment and
- 18 if it wasn't an up or out year, that part is consistent with
- 19 the memory, but the other part isn't?
- 20 A. That it was a not promote, and that -- excuse me --
- 21 that what I don't remember is that there was a terminal
- 22 appointment that the department successfully pushed back to
- 23 change to not promote.
- 24 Q. Okay.
- 25 A. Yeah.

1 as inconsistent with what you would have told Dr. Nikolova and

- 2 that she recounts that you told her?
- A. Sure. I'm going to look through them again real
- 4 quick. So No. 5 in her e-mail, I -- it would be consistent for
- 5 me to tell a candidate that at that time that the President's
- 6 Committee is receptive to total time spent in rank, not just
- 7 UT, the key being they're receptive to it so that she -- and
- 8 she quotes exceptional, end quotes, standard for for truly9 early cases, i.e. total time in rank less than five years does
- 10 not apply to me. That's consistent with what I would tell a
- 11 candidate.
- 12 I think the next sentence I would have probably
- 3 worded differently had I been writing this for myself. It says
- 14 the statement letter in Ahmed's letter from me explaining this
- 15 should suffice -- excuse me. A letter in Ahmed's -- the
- 16 statement in Ahmed's letter for me explaining this should
- 17 suffice, meaning I have been seven years in rank. I think
- 18 there are a lot of interpretations for the word "suffice". I
- 19 would agree that that is an explanation that can be offered and
- 20 would be considered in an accelerated case.
- 21 Q. All right. And if that No. 5 is consistent with what
- 2 you just testified, is consistent with what we talked about
- 23 earlier, the exception being Category 4?
- 24 A. I'm looking at my -- reminding myself of the
- 25 categories and, yes. Yes, thank you.

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1 (Exhibit 48 identified.)

- 2 Q. Okay. Next. Exhibit 48 is coming.
- 3 A. Okay. I have opened it and I will scroll down and 4 take a look.
- 5 Q. Every time I put one up you don't have to say that I
- you can just read and then I will wait until you say I'm ready. 7
  - (Brief pause in the proceedings.)
- 8 A. Okay, thank you. Thank you, I'm ready.
- 9 Q. Okay. So the letter from Professor Bloom is dated
- 10 January 8, also sent via e-mail that same day, and you're
- 11 copied on that along with the chain of command. Would you
- 12 agree>
- 13 A. Yes, I am copied on this along with others.
- 14 Q. The others are the chain of command for Dr. Nikolova
- 15 with Dr. Dukerich and yourself being kind of not really in the
- chain of command but in the office? 16
- 17 A. Yes, in terms of her supervisor and those supervisors
- 18 above her, yes.
- 19 Q. And she's writing to you on March 1st that she just
- learned that the letter had not been submitted. Did you do 20
- anything with the letter on January 8 it will I -- actually let 21
- 22 me back up a little bit.
- 23 A. Okay.
- 24 Q. As part of your job duties that we talked about one
- 25 of the things I didn't ask you is whether you were responsible

- A. I agree, yes, not on a copy we have, certainly.
- 2 Q. And this January 8 is after the Dean has made her

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- 3 decision and before the President has -- and the President's
- Committee has met to review the file, correct?
- 5 MS. HILTON: Objection. Form.
- 6 A. Off the top of my head, I do not recall when Dean
- Wood met with the President but I agree this is before the
- President's decision was written in a letter to Dean Wood.
  - Q. Okay. A month, a month and a week or so?
- 10 A. Before that decision was written in a letter, yes.
- 11 Q. Okay. Did you do anything with this letter?
- 12 No. Well, I don't recall doing anything with this
- 13 letter.
- 14 Q. Okay. Why not?
- 15 A. Well, I'll note I was not asked to do anything with
- this letter, with this e-mail. That's what comes to mind 16
- 17 first.
- 18 Q. You weren't asked by Dr. Nikolova?
- 19 A. That's correct. I don't recall being asked by Dr.
- Nikolova, Dr. Sinbez, McInnis, Wood. You know the individuals
- we were establishing our first supervisor and supervisor's
- 22 supervisors.
- 23 Q. Do you see this as being a positive letter?
- 24 MS. HILTON: Objection. Form.
- 25 A. I read this e-mail as being from someone who supports

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- 1 her promotion and tenure at UT Austin. Because he said to deny
  - 2 it would be a travesty really.
  - Q. Right, so at this point you know that Dr. Nikolova
  - 4 has been recommended against tenure by her Dean. She has the
  - 5 threat of possibly getting a terminal appointment decision made
  - on her and this well respected, and I don't know if you know
  - he's a Turing Award winner, meaning it's hard to get higher
  - accolades in his field globally, writes this letter to
  - President Fenves on Dr. Nikolova's behalf. Do you see that,
  - 10 riaht?
  - 11 MS. HILTON: Objection. Form.
  - 12 A. Yes, I acknowledge that he's written to President
  - 13 Fenves.
  - 14 Q. It would have been his intent to positively impact
  - her consideration for tenure? 15
  - 16 A. I certainly can't speak to his intent but this is a
  - letter where he recommends her promotion. 17
  - 18 Q. That doesn't indicate to you what his purpose of
  - 19 writing this letter is?
  - 20 A. I'm just careful to assign intent and purpose to
  - 21 other people.
  - 22 Q. Okay. You wouldn't argue with that conclusion?
  - 23 A. No, I would not argue.
  - Q. Did you think to contact Professor Nikolova -- Dr.
  - 25 Nikolova and say, hey, we got this letter, did you know about

1 for making sure the dossier were ready for the President's

2 Committee.

- A. Yes, that is part of my responsibility. There are a
- number of us in the Provost office who contribute to that
- 5 including myself.
- 6 Q. Okay. And that would include putting additional
- 7 documents or supplemental material in the file or not in the
- file? 8

- A. Certainly I have done that before when asked by a
- candidate or department chair or Dean. I have facilitated that 10
- 11 part of the process that's described in our general guidelines.
- 12 Q. Okay. And are you also the gate keeper to not put
- 13 documents in to the file?
- A. What do you mean? 14
- 15 Q. I'm sorry?
- 16 A. I interrupted you. Could you explain what you mean
- 17 by gate keeper, please.
- 18 Q. Are you the person to decide whether something goes
- 19 in the folder or not?
- 20 A. If a candidate or chair or Dean requested a document
- 21 be placed in a promotion file, it's not within my scope of
- 22 authority to deny that request.
- 23 Q. Okay. But you look at the e-mail and the letter in
- 24 Exhibit 48 at the bottom there, preferred communication, but
- Dr. Nikolova is not copied, correct?

1 it and if so, if you want it added to your folder, you will

- 2 need to ask me to do so?
- A. I would not have thought to do that. That would be
   inconsistent.
- 5 Q. Inconsistent with your job duties?
- 6 A. Inconsistent with -- yes. Inconsistent with my job
- 7 duties and inconsistent with how I have handled e-mails that I
- 8 am copied on about other candidates. Inconsistent with my
- 9 general approach to that.
- Q. This isn't normal is it that you get letters from
- 11 renowned scholars prior to the President's vote?
- 12 MS. HILTON: Objection. Form.
- 13 A. In my role, I have been copied on letters from
- 14 external individuals related to candidates. I do not recall
- 15 ever forwarding one of those e-mails to the candidate.
- 16 Q. Earlier you said that there have been occasions where
- 17 you reached out to a candidate without them calling you first.
- 18 A. Sure.
- 19 Q. You don't think this would be one of those situations
- 20 where you confirm that they're aware of this letter and the
- 21 somewhat specific rule, that if they don't ask for it to be
- 22 included, it will just sit gathering dust and not have any
- 23 impact on the decision?
- 24 MS. HILTON: Objection. Form.
- 25 A. Forwarding to the candidate about whom it was written

- 1 sent, how does she know when to make the request, if ever?
  - 2 MS. HILTON: Objection. Form.
  - 3 A. So it certainly is my job to ensure that required
  - 4 documents as stated in the general guidelines are placed in the
  - 5 file in the appropriate place. It is not -- it simply isn't my
  - 6 job to flag documents that are not required to a candidate to
  - 7 see if they would like that document included or not.
     8 Q. Is it against your job duties to contact Dr. Nikolova
  - 9 and say, hey, we have this letter, would you like to include it
  - 10 and if you would you need to make a request?
    - MS. HILTON: Objection. Form.
  - 12 A. No. I'll say no.
    - Q. Were you told -- actually, I'll pull that back. The
  - 14 question is was it your decision how to handle this e-mailed
  - 15 letter from Professor Bloom or did someone else tell you what
  - 16 to do or not do with this letter prior to the President's
  - 17 decision, President's Committee consideration of Dr. Nikolova's
  - 18 file?

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- 19 A. At the time we received this? Certainly I had an
- 20 understanding of what was consistent with what we had done with
- 21 statements like this in the past. This is the kind of thing I
- 22 would have consulted with Janet Dukerich on as my supervisor.
- 23 I don't recall if we consulted on this or not.
- 24 Q. Do you recall having a conversation with Dr. Nikolova
- other than the e-mail exchange about her realizing after the

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- 1 wouldn't -- I don't remember the whole question but it would be
- 2 inconsistent with my -- the way I -- I'm not answering your
- 3 question. Could you repeat your question for me, please?
- Q. How is you taking any action to communicate with Dr.
- 5 Nikolova about this very positive letter that's clearly meant6 to impact the decision that you believe won't be included
- 7 unless she asked for it to be included, how is that
- 8 inconsistent with your job?

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- 9 MS. HILTON: Objection. Form.
- 10 A. It's my experience that it would -- it's my
- 11 experience that this is not something that I had done before to
- 12 take any communication about a candidate, positive or negative,
- 13 to forward it to that candidate. My role in the process is to
- 14 follow the general guidelines and other related policies for
- 15 promotion and tenure. Sending something that I received about
- 16 a candidate to that candidate, to advise them on next steps,
- 17 would simply be inconsistent with that practice.
  - MR. NOTZON: Objection. Nonresponsive.
- 19 Q. You're making a conclusory statement that's
- 20 inconsistent. I'm asking you how is it inconsistent, and so
- 21 that's what I'm trying to gather from -- it's -- do you have a
- 22 duty not to help identify when a document goes in the folder or
- 23 doesn't go in the folder? I thought that was part of your role
- 24 is understanding what goes in the folder and doesn't, and if
- 25 there's no indication that she's notified of the letter being

- 1 President's decision that the Bloom letter did not make it to
  - 2 the folder?
  - A. I don't recall if she and I spoke about this or not
  - 4 other than the e-mail communication that you pointed out.
    - Q. Okay. Let's look at Exhibit 38 again.
    - A. Okay.
  - 7 Q. It's up there, you looked at it before. Do you
  - 8 recall?

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- 9 A. Is that the general guidelines?
- 10 Q. Yes.
- 11 A. Okay, yes thank you.
- 12 Q. Okay. And if you'd look at Page 16?
- 13 A. Thank you. I'm on Page 16.
- 14 Q. Sure. Is this the C10-C is that the applicable
- 15 provision?
- 16 A. Yes
- 17 A. I think that would be another one but, yes, that's
- 18 applicable.

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- 19 Q. I'm happy to look at another one, too, but let's go
- 20 ahead and talk about this one first.
- 21 A. Thank you.
  - Q. It doesn't say that before material is included that
- 23 there must be a request made, does it?
  - A. You're correct. I agree with that.
  - Q. So given that there's no requirement that the

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1 candidate makes a request -- well, I'll leave it. Okay. You

- 2 said there was another applicable provision?
- 3 A. I'd like to scroll up and see.
- 4 Q. Well --
- 5 A. Pardon me.
- 6 Q. As you were. Go ahead.
- 7 A. Okay. Since it did change, I don't know if I'm
- 8 recalling something from what version.
- 9 Q. Look at C9.
- 10 A. Okay I'm scrolling down.
- 11 Q. It's on Page 16.
- 12 A. Thank you.
- 13 Q. At the top of the page.
- 14 A. C9.
- 15 Q. Yes.
- 16 A. Oh, that we -- additional statements.
- 17 Q. Yes.
- 18 A. I think that's the one we just looked at or was I
- 19 looking at the wrong thing?
- 20 Q. No, we looked at C10-C?
- 21 A. C10-C. Other supplemental related materials?
- 22 Q. Yes.
- 23 A. Oh, I'm sorry, we may need to go back and touch base
- 24 I was answering questions related to C9 additional statements.
- 25 Q. Okay.

- 1 not be a letter from a professor, a world renowned scholar,
  - 2 right?
  - 3 A. No it would be a teaching statement.
  - 4 Q. So that's a distinct document so whatever procedure
  - 5 that would relate to that are different than what we're talking
  - 6 about right now?
  - 7 A. I see.
  - 8 Q. So I'd like to focus on just Professor Bloom.
  - 9 A. Okay.
  - 10 Q. And you would agree that Professor Bloom's letter
  - 11 would be accurately fall within the other supplemental
  - 12 material?
  - 13 A. That is one place it could be put.
  - 14 Q. Well, it couldn't be in B, right, because it wasn't
  - 15 solicited?
  - 16 A. It was not -- to my knowledge it was not solicited by
  - 17 anyone copied on the e-mail. I don't know -- I don't know if
  - 18 she asked him to write or not.
  - 19 Q. And he's not a collaborator?
  - 20 A. I don't know.
  - 21 Q. Well it says so in his letter right?
  - 22 A. Oh okay.
  - 23 Q. It doesn't talk about him being a collaborator of
  - 24 her.

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25 A. Does it state that he's not?

1 A. I apologize.

- 2 Q. And the question of C10-C is there's nothing there
- 3 that says that a candidate must make a request before the
- 4 materials would be included the file.
- 5 A. So for C10-C, making sure I'm in the right place,
- 6 other supplemental materials, it states the candidates have the
- 7 discretion to include any materials that they believe are
- 8 relevant?
- 9 Q. Yes.
- 10 A. Yes. I agree. It does not specifically say that a
- 11 candidate must request that they be added. Rather it says
- 12 candidates have the discretion to include it.
- 13 Q. Right.
- 14 A. Yes.
- 15 Q. That's ambiguous, isn't it?
- 16 A. That candidates have the discretion to include.
- 17 Q. Yeah. It doesn't say the candidate must make the
- 18 request before the item is included but it says the candidate
- 19 has the discretion right --
- 20 A. You know, I would -- I want to look back at the other
- 21 -- I'm not sure that we say anywhere in these guidelines the
- 22 candidate must request in order to include but there are other
- 23 materials that the candidate contributes -- contributes to the
- 24 dossier such as their teaching statement.
- 25 Q. Right, well that would be a different -- that would

1 Q. Feel free to read it.

- 2 A. Thank you. Yes, as long as it would not be an
- 3 appropriately filed it is a letter from a collaborator.
- 4 Q. Ok.

15

- A. Typically when a candidate, C9 is I think what you
- 6 were going to ask me about next.
  - Q. Well, let's finish this C10-C.
- A. Okay. Yes.
- 9 Q. Okay. Clearly, I was asking you about the ambiguity,
- 10 okay. Candidates have a discretion to include materials and
- 11 they would want to include materials -- this provision provides
- 12 the candidate with the discretion to deny including materials
- 13 that they might find unhelpful or include those that they find
- 14 helpful and they get to make that decision, right?
  - MS. HILTON: Objection. Form.
- 16 A. Candidates do get to decide what is in other
- 17 supplemental materials, yes.
- 18 Q. Okay. And that's the purpose of that provision and
- 19 given that this is a letter from a world renowned scholar and
- 20 it's a positive letter, it's a no-brainer what her discretion
- 21 would be when she has a recommendation of no tenure from the
- 22 Dean but positive, unanimous support tenure from
- 23 committee^ can't understand the word before committee she would
- 24 want this letter in her file, right?
- 25 MS. HILTON: Objection. Form.

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1 Q. You couldn't argue that she would not want that

2 letter in, could you?

MS. HILTON: Objection. Form.

4 Q. Thousands of experiences, come on, now.

5 MS. HILTON: Objection. Form.

A. I would not argue with that.

7 Q. So after -- so you don't recall having any

8 conversations with anybody about this letter prior to the

9 President's Committee considering Dr. Nikolova's file, is that

10 accurate?

3

6

11 A. It is accurate that I do not recall having a

12 conversation with anyone about this letter.

13 Q. Not saying it didn't happen but you just don't

14 recall?

15 A. That's correct.

16 Q. Okay. Did you have any conversations with anybody

17 about this letter prior to you writing to Dr. Nikolova saying

18 what you said in Exhibit 48?

19 A. I believe -- I'm having a recollection that Janet

20 Dukerich and I did talk about that, about that question.

21 Q. Okay.

22 A. I don't recall the substance of that conversation

23 although my response would have been consistent with it.

24 Q. Did you draft this e-mail or did somebody else?

25 A. I don't recall that happening.

78 1 The university only adds documentation to a promotion dossier

2 that is required as documented in the general guidelines which

3 is true. Or explicitly requested to be added to the dossier,

4 which is true. I would also agree with you that -- well, if

5 .......

5 you'll ask your question again.

Q. Isn't it true that there's nothing in the guidelines

7 that state that there must be an explicit request from the

8 candidate before the document will be put in the dossier?

9 A. That is true.

18

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8

10 Q. So how is your e-mail not untrue?

11 A. Because the sentence in the e-mail says that the

12 university only adds documentation for promotion dossiers that

13 is required -- oops, sorry, my mouse -- that is required as

14 documented in the general guidelines. So a required document

15 that's listed in the general guidelines or explicitly requested

16 to be added to the dossier which would be a document that's not

17 required that's been requested explicitly to be added.

In other words, we don't add documents that

19 haven't been -- we don't add non-required documents that

20 haven't been requested to be added.

21 Q. So the distinction is when that request is made and

22 how that request is made would be the ambiguity in your

3 statement that you're saying doesn't render it false?

24 MS. HILTON: Objection. Form.

A. I don't see my e-mail as ambiguous.

2 A. I don't recall drafting this for review prior to

3 sending it.

1

4 Q. Okay. So you think you wrote this?

5 A. I think I did, yes. Yeah.

Q. What happening?

6 Q. And you agree, don't you, that what you wrote in this

7 e-mail is actually not true?

8 MS. HILTON: Objection. Form.

9 A. Well, I don't agree with that.

10 Q. Well, let's look at it especially the part where it

11 says explicitly requested to be added to the dossier. There's

12 nothing in the guidelines that state that, correct?

13 A. I'd like to look at one other section of the

14 guidelines if I may?

15 Q. Yes, please.

16 A. Thank you.

17 Q. I don't want to fault your language in this e-mail

18 without you confirming it. Let me nowhere you're looking.

19 A. Oh, sure. I'm looking at C9, additional statements, 20 which is the folder the university uses when something is

21 requested -- a non-required document is requested to be added

22 to the dossier. I still believe my e-mail is accurate.

23 Q. Where does it say in C9 that there must be an

24 explicit request from the candidate?

25 A. Well, I'd like to read the sentence in my e-mail.

1 Q. How about -- what about C8?

2 A. In the general guidelines?

Q. Yes, look at Section I.

4 A. I see that.

5 Q. That doesn't say that a request needs to be made?

6 A. Lagree.

7 Q. Why isn't that at play in this e-mail that you sent?

A. I have not had -- in the times that we have received

9 e-mails like this, they have not been placed among unsolicited

10 letters in the dossier. Unsolicited letters in a dossier have

11 historically been any letters received by the department or

12 college prior to -- or as the file is being assembled.

13 Q. And as we already talked about, you would have been

14 within your job duties to have contacted her and let her know

15 that the letter was there and identify for her that she had the

16 discretion to include it if she wants?

17 A. I believe my testimony was that it wouldn't be

18 contrary --

19 Q. Right.

20 A. -- to my job duties.

21 Q. Right.

22

24

Q. Okay, one more.

23 A. Okay.

(Exhibit 49 identified.)

25 Q. And this is Exhibit 49.

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1 A. Thank you, I've reviewed it.

- 2 Q. Okay. And this is the -- you consulting with your
- 3 supervisor about the language and her making suggestions.
- 4 A. Yes, it is.
- 5 Q. Did you have any other conversations with anyone
- 6 else besides your supervisor about how to respond to the
- 7 document below?

8

- A. Not that I recall.
- 9 Q. Okay, let's go off the record real quick.
- 10 (A recess was taken at 12:00Â p.m.)
- 11 Q. (BY MR. NOTZON) Okay, Ms. Shockley, before we go into
- 12 the corporate topics real quick, I wanted to ask a question.
- 13 You understand that Dr. Nikolova provided a
- 14 final arguments document in her case, correct?
- 15 A. Yes.
- 16 Q. And it was not considered, correct?
- 17 A. Correct.
- 18 Q. And where is the provision that was relied upon to
- 19 not review her final arguments document?
- 20 A. It's within the general guidelines. Shall we look at
- 21 that?

8

- 22 Q. Sure.
- 23 A. It is section D 2, Page 17.
- 24 Q. Okay.
- 25 A. It specifies that a candidate whose case is terminal

- 1 reconsideration?
- 2 A. Because we have a provision in the general guidelines

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- 3 for reconsideration, which is D4, I'm careful to use those
- 4 phrases of terminology very distinctly though I accept the
- 5 premise that an individual submitting final arguments is asking
- 6 for a different decision to be made.
- 7 Q. Did you review Dr. Nikolova's final argument
- 8 document?
- 9 A. I don't recall that I did.
- 10 Q. And would it be your testimony that you didn't
- 11 because you didn't really have to because it didn't comply with
- 12 your reading of the guidelines?
  - A. Correct.
- 14 Q. And the decision made by the university was in
- 15 accordance with your reading of the guidelines?
- 16 A. Yes. The decision not to consider her final
- 17 arguments

13

- 18 Q. Do you know if anybody reviewed the final arguments?
- 19 A. I don't know.
- 20 Q. And even to this day you haven't reviewed them?
- 21 A. No. No.
- 22 Q. All right. Let's go ahead and move to the corporate
- 23 topic, the tenure review decision process relating to the
- 24 decision to deny tenure to Dr. Nikolova as it relates to the
- 25 actions of CCAFR.

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- 1 appointment pending may present final arguments.
- Q. Okay. And I quess this is one of those ambiguous
- 3 provisions because it doesn't say that only a candidate whose
- 4 case is terminal appointment may present.
- 5 A. I agree that the word "only" is not in here.
- 6 Q. And it doesn't proscribe against others from being
- 7 able to present final argument?
  - A. I agree that it does not list the individuals with
- 9 other outcomes who may not present final arguments.
- 10 Q. Okay. And were you part of the decision-making
- 11 process to not review her final argument?
- 12 MS. HILTON: Objection. Form.
- 13 A. I would have been asked in any case like this if an
- 14 individual who has a do-not-promote decision is eligible for
- 15 submitting terminal -- excuse me, is submitting final
- 16 arguments, and I would have advised that no, those are reserved
- 17 for a candidate whose case is terminal-appointment pending. I
- 18 don't recall specifically who I talked to about that, the
- 19 general rule in her case. I believe I had an e-mail -- I
- 20 recall having e-mail correspondence with her about that. It
- 21 would have been typical for me to talk with the Provost or
- 22 President about that but I don't recall those specific
- 23 conversations about the rules here.
- Q. Okay. Do you recall if anyone else provided -- and
- 25 this final arguments, it also could be called a request for

- 1 What did you do to prepare for your deposition
  - 2 on this topic?
  - 3 A. To prepare for my testimony on this topic, I
  - 4 re-familiarized myself with Dr. Nikolova's request for review
  - 5 by the committee of counsel on academic freedom and
  - 6 responsibility, given that acronym we pronounce CCAFR. I
  - 7 reviewed her request. I reviewed the committees, the
  - 8 subcommittees response to the President, reviewed the
  - 9 President's response to the subcommittee, to CCAFR. I spoke
  - 10 with Professor Pauline Strong who served as a subcommittee
  - 11 member in the review of the case.
  - 12 Q. Is she a CCAFR committee member?
  - 13 A. Yes, yes, she is a member of the CCAFR subcommittee.
  - 14 Thank you that what's coming to my mind right now in terms of
  - 15 preparation.

20

- 16 Q. So she was involved in writing the CCAFR response to
- 17 Dr. Nikolova's request?
- 18 A. Yes, thank you. That's correct.
- 19 (Exhibit 50 identified.)
  - Q. Okay. And before we go further, could you -- your
- 21 notes that you were -- have been taking and referring to, could
- 22 you show those up to the camera for me real quick?
- 23 A. Sure. They're messy.
- 24 Q. Okay. And just the one page?
- 25 A. That's correct.

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- 1 Q. Okay. It's common, we're going to ask you to scan
- 2 that in and send it to us.
- 3 A. Okay.
- 4 Q. And we'll make that Exhibit 50.
- 5 A. Okay.
- 6 Q. And it will be -- you can continue to make notes on
- 7 it as you will and we'll just -- when the depositions over, if
- 8 you would just scan those and e-mail them to your counsel and
- 9 then they can forward it to us.
- 10 A. Okay, will do.
- 11 Q. All right. What experience do you have with CCAFR
- 12 review? I guess there's the process, right?
- 13 A. Yes. So that's what you're hear to testify about as
- 14 UT. You understand that the request for CCAFR review is made by
- 15 the candidate and there is -- I think at that time there was a
- 16 four-week deadline for CCAFR to respond, is that right?
- 17 A. That sounds right, yes.
- 18 Q. Okay. And they -- I think in that year they
- 19 complained that four weeks just wasn't enough; they needed more
- 20 time. Did that time get changed?
- 21 A. That time has not changed since then.
- 22 Q. Okay. Still four weeks?
- 23 A. Yes.
- 24 Q. All right. When a faculty member, candidate asks for
- 25 a CCAFR review are you involved in that process? I mean not

- 1 Q. Double digits?
  - 2 A. Pardon?
  - 3 Q. Double digits, triple digits?
    - A. In the time that I've been in this position or been
  - 5 serving this role in the President's Committee or in the
  - 6 promotion and tenure process, yes, it would be more than ten7 total.
  - 8 Q. Dozens?
    - A. I don't think dozens. I'd have to look to see
  - 10 exactly how many there have been. We've had years with one,
  - 11 years with four or five. And over the number of years I've
  - 12 done it, I'm coming up with a rough estimate.
    - Q. Is there a deadline for the President to respond?
  - 14 A. We have a milestone date that we try to hit every
  - 15 year. Don't recall what it was in that given year so as we
  - 16 sketch out the whole 12 months of calendar for promotion and
  - 17 tenure. We do insert a date by which we'd like the President
  - 18 to have responded.
  - 19 Q. Okay. And in this case, you understand that there
  - 20 were complaints of gender or pregnancy discrimination?
  - 21 A. I did see that in her report and interview notes and
  - 22 the mention of it in the CCAFR report, too.
  - 23 Q. And did you see in the CCAFR report that they didn't
  - 24 feel like they had adequate time or information to really opine
  - 25 on that

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1 the request process but the presidential response to the CCAFR

- 2 report?
- 3 A. So, yes, the person in my role, me, once CCAFR has
- 4 submitted it's report in response to the request, I do review
- 5 that and I participate in meeting with the President and the
- 6 Provost, legal counsel and Senior Vice Provost for Faculty
- 7 Affairs.
- 8 Q. And do you participate in drafting response to the
- 9 CCAFR report?
- 10 A. I do participate in that at the President's
- 11 direction.
- 12 Q. Either drafting, editing, contributing in whatever
- 13 way the President asks you to --
- 14 A. Yes, yes. Particularly drafting. Yes, particularly
- 15 the -- yes.
- 16 Q. And in this case, what do you recall doing?
- 17 A. In this case, I recall beginning the draft letter.
- 18 There are pieces of it that are quite standard where the
- 19 complaint is -- where the request for review is stated and
- 20 CCAFR's finding is stated. Those elements of the letter I
- 21 would have contributed to.
- 22 Q. Okay. And is it your -- and you've been involved in
- 23 that CCAFR response process for how many CCAFR reviews occur
- 24 that you have been involved in besides Dr. Nikolova?
- 25 A. I'm not sure what the number is.

1 A. I did see that.

- Q. Have you ever experienced that CCAFR actually
- 3 conducts an investigation into complaints of discrimination
- 4 when they're raised and a request for a CCAFR review?
  - A. Not to my memory.
  - Q. You would agree that as -- from your understanding of
- 7 how UT works, that complaints of discrimination and retaliation
- 8 are handled by some other organization not CCAFR?
- A. Yes, they would be best investigated by the office
- 10 designated to investigate those claims.
- 11 Q. Which would be the office of institutional equity?
- 12 A. Yes, it has had several names over the year but the
- 13 OIE acronym has stayed the same so yes that would who be -- at
- 14 that time I suppose.
- 15 Q. Even before that, though, was it was the EEO office
- 16 or -- because you've been here long enough to even pre-date
- 17 OIE?

20

- 18 A. Yes, I believe so.
- 19 Q. Not calling any names. All right.
  - So the limitation on CCAFR is breaches of
- 21 academic freedom and violations of policy, is that right?
- 22 A. And procedure, yes, that's correct.
- 23 Q. And what they're not supposed do is talk about
- 24 professional judgment?
- 25 A. That's correct.

1 Q. So --

- 2 A. I'm sorry, I would clarify that just to say that
- 3 that's outside the scope of what they're asked to consider.
- 4 (Exhibit 51 identified.)
- 5 Q. Okay. And I saw how the President's response -- in
- 6 fact, I don't think we have that as an exhibit yet. Let's go
- 7 ahead and make that Exhibit 51. Let me put it up. Got it?
- 8 A. Working on it.
- 9 Q. Not rushing.
- 10 A. Now I have it. I'm just going to look through it
- 11 quickly.
- 12 (Brief pause in the proceedings.)
- 13 A. Okay. Yes, thank you.
- 14 Q. And that is the document that you helped create?
- 15 A. That's correct.
- 16 Q. All right. And I see there's some comments about --
- 17 from President Fenves saying that this is a matter of
- 18 professional judgment and we're not going to go into it. And
- 19 where is the line where if -- so that -- one of the questions I
- 20 have is if data is disregarded or not looked at, is that a
- 21 professional judgment or is that a mistake or a intentional
- 22 violation of the duty to do their job to actually opine on the
- 23 data that's available instead of not?
- 24 MS. HILTON: Objection. Form.
- 25 A. Are you asking me where the line between what is a

- 1 process.
- 2 Q. Okay. There would be no argument? There would be no,

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- B wait, it's not professional judgment because you have X, Y and
- 4 Z>. There's no back-and-forth? Once the President says, no,
- 5 that's professional judgment, not a violation that's the end of
- 6 it --
- 7 A. That's accurate.
- 8 Q. -- all right.
- 9 Let's go to the next topic -- and that's the end
- 10 of it, right? That's the sum total of the process?
- 11 A. Yes, it is.
- 12 Q. And so if the President makes a decision or doesn't
- 13 make a decision and then consequences flow from there?
- 14 A. Outcomes, yes, uh-huh.
- 15 Q. Better. And the recommendations that they make, I
- 16 saw that the President forwarded those recommendations onto the
- 17 Provost office, I believe, and do you remember if any of those
- 18 five items got implemented?
- 19 A. I am going to look back at the exhibit that you
- 20 uploaded just to make sure I speak to each of the five.
- 21 Q. Sure. Take your time.
- 22 A. The decision not to promote was not reversed.
- 23 Q. Why?
- 24 A. It was decided still to this day that final arguments
- 25 are not considered and do not promote decisions. The

- 1 professional judgment and what is potentially a policy or
- 2 procedure violation lies?
- 3 Q. Good answer.
- 4 A. Pardon?
- 5 Q. That's a better way to ask it.
- 6 A. With my corporate rep hat on, because each case is
- 7 unique, that may end up coming down to the specific allegations
- 8 and findings and then opinion of the President in each case.
- 9 In other words, CCAFR, the subcommittee specifically but10 perhaps in consultation with a larger committee has to make
- 11 that determination. I'm sorry, the candidate first would make
- 12 that determination and then the committee and then ultimately
- 13 the President. I don't believe there is a distinct line
- 14 articulated in the guidelines that CCAFR follows or in the
- 15 guidelines -- the general guidelines for promotion and tenure.
- 16 Q. So if CCAFR agrees with the faculty member that
- 17 there's a violation and it's not just a professional judgment
- 18 issue, they would write it up in that way and try to explain
- 19 it, but the end result is that if the President calls it a
- 20  $\,$  professional judgment, that's the last word and there's no more
- 21 review?
- 22 MS. HILTON: Objection. Form.
- 23 A. That is an accurate -- I'm sorry, Amy.
- 24 MS. HILTON: That's okay.
- 25 A. I would say that's an accurate description of the

- 1 recommendation to develop and annually update a faculty
- 2 handbook for engineering, you know, we don't really have on
- 3 campus nor do we require kind of a packaged and bound faculty
- 4 handbook in each of our colleges though colleges like Cockrell
- 5 School of Engineering do provide a lot of resources online for
- 6 faculty with regard to policy and ways -- and processes for
- 7 requesting certain things through their college. Documents the
- 8 university policies regarding prior service and rank with9 another institution. This is honestly an ongoing conversation
- 10 that I still observe questions about and discussion about so it
- 11 certainly wasn't -- it's not something that was set aside as
- 12 irrelevant to UT Austin.
- 13 Q. But no changes?
- 14 A. We do not have a written policy at the university
- 15 regarding prior service.
- 16 Q. Okay.
- 17 A. Clarify the rules around requesting and rescinding a
- 18 request for an extension to the probationary period. We have
- 19 developed as a result of this recommendation and other
- 20 questions that have come up along the way, have put together
- 21 FAQs on the Provost Office website trying to provide concrete
- 22 answers to the questions that often come up about that in an
- 23 effort to be very transparent about that process.
- 24 Q. And I'll talk to you more about that in the next
- 25 deposition.

1 A. Okay.

- 2 Q. Because that's one of the -- that would fall within
- 3 that, right?
- 4 A. Okay, yes.
- 5 Q. All righty. So onto the second topic.
- 6 Policies for faculty members relating to the
- 7 birth of a child including probationary extension or extension
- 8 stopping or pushing the clock with a tenure track faculty
- 9 relating to a new child, modified instructional duties and
- 10 other policy related pregnancy related -- let me put up the
- 11 policy.
- 12 A. Thank you.
- 13 (Exhibit 52 identified.)
- 14 Q. This is 52.
- 15 A. Okay. I am familiar with this policy and I'm just
- 16 scanning --
- 17 Q. Are there any other policies?
- 18 A. There is no other policy -- well, in our handbook of
- 19 operating procedures this is the policy related to the
- 20 extension of the tenure track probationary period. There is a
- 21 Regent's rule that has information about extensions, of course
- 22 we're subject to be governed by the Regent's rule and other
- 23 policies may reference this but they would all point back to
- 24 this policy.
- 25 Q. All right. Is there any other policy relating to

- 1 A. Uh-huh.
  - 2 Q. Okay. And do you see there's nothing in here about
- 3 rescinding?

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- 4 A. That's true. That's accurate. I suppose I should
- 5 look but that is not in this policy.
  - Q. And why is that?
- 7 A. Good question. So when this policy was put in place
- 8 and up until -- I don't know the exact year, if it was 20 -- it
- 9 was in the 2014 to 2016 range, there was a decision to allow
- 10 faculty members who had received an extension to be able to
- 11 rescind that extension, kind of just take it off of their
- 12 record. And we at that time I believe that was communicated to
- 13 campus stakeholders and we began writing it into each letter
- 14 where an extension was noted as being approved. There's kind
- 15 of a clause, right, that it could be extend.
- 16 Q. It could be rescinded?
- 17 A. Oh, yes, thank you, it could be rescinded. I don't
- 8 recall participating in conversations about adding that to the
- 19 policy since -- and there are sometimes conversations about
- 20 what is policy and what is process-based, so what rises to the
- 21 level of needing to be in our handbook of operating procedures
- 22 versus available, communicated related to a policy. So I can't
- 23 -- I don't think I can answer why it's not in here but
- 24 hopefully that background gives some context.
- 25 Q. Okay. I'm -- there's potential consequences for

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- 1 birth and the other categories on the topic?
- 2 A. Let me look at the topic again. I'm sorry. So
- 3 specific to pregnancy and birth, and parental leave, we --
- 4 there are often intersections with the universities sick leave
- 5 policy because anyone -- because of the eligible use of sick
- 6 leave. That's not faculty specific, that's a policy for
- 7 employees.
- 8 Q. Yeah.
- 9 A. The faculty are related. I think it's fair to say
- 10 that our modified instructional duties policy is -- I don't
- 11 think it uses the words birth of a child but it does -- it does
- 12 talk about care of a preschool aged child which is, you know,
- 13 birth to school age. Oh, sorry forgot that. There's a
- 14 parental leave policy that all employees are subject to. FMLA
- 15 is not -- I don't believe it's in our handbook of operating
- 16 procedures. It might be referenced but there is a resource page
- 17 on the HR website.
- 18 Q. Okay. And do you -- did the extension of the tenured
- 19 track probationary period, was it in place when -- already in
- 20 place when you arrived or is it something that came to be after
- 21 you got here as an employee?
- 22 A. Policy was in place prior to me joining -- I guess me
- 23 joining UT Austin but prior to me come together the Provost
- 24 office
- 25 Q. Okay, I see that it's 1997.

- 1 rescinding or not rescinding -- let me use the term outcomes.
  - A. Thank you.
    - Q. You used before. There are different outcomes that
  - 4 can take affect if one rescinds or doesn't rescind their
  - 5 probationary period that would impact or potentially impact
  - 6 their consideration for tenure, correct, or at least the
  - 7 timing.
  - 8 A. At least the timing. Yes, I agree with that.
  - Q. Well, not just the timing but it's the issue of
  - 0 accelerated or not would be a factor that would be -- well, no,
  - 11 right, because the only faculty that's affected is whether it's
  - 12 up or out?
  - 13 A. That's right.
  - 14 Q. Because in rank doesn't change, the count goes
  - 15 forward. So -- but if -- if there's -- would you agree that in
  - 16 a situation where somebody has six years in rank between UT and
  - 17 another institution but only four years of probationary time,
  - 18 that going up on the fourth year of probationary time or the
  - 19 fifth year of probationary time, wouldn't change because those
  - 20 would both be non up or out years?
  - 21 A. Yes, I'd agree with that.
    - Q. Okay. So that the decision to rescind the
  - 23 probationary extension if you're sitting at four years and that
  - 24 would make it five years if you rescinded wouldn't change the
  - 25 fact that you're not in an up or out year?

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1 A. That's correct.

- 2 Q. Okay. And the -- do you see any potential
- 3 consequences to a faculty member who is going up in the fourth
- 4 year of probationary time having met six years or more of in
- 5 rank time with UT and somewhere else not rescinding and then
- 6 being at the fifth year?
- 7 A. Not rescinding and then being at the fifth year of
- 8 probationary or --
- 9 Q. No, rescinding and then being at the fifth year or
- 10 not rescinding and staying at the fourth year. Is there any
- 11 difference in how you understand their candidacy for tenure is
- 12 reviewed?
- 13 A. Okay, I'm thinking through your question. When a
- 14 candidate is not up or out, the college and department
- 15 essentially make a decision about whether to put them forward
- 16 or not. I'm not sure if tracks completely with the example you
- 17 just gave, so please let me know if it doesn't.
- 18 So if rescinding a one or two probationary
- 19 period extension, then makes it an up or out year, then they go
- 20 forward without a decision being made about that with their
- 21 college and department. So that's one outcome of rescinding, a
- 22 faculty member can shift the needle on when the up or out year
- 23 is.
- 24 Q. But my hypothetical is going from four-year not up or
- 25 out, or five-year by rescinding not up or out.

- 1 A. Pardon my stumbling.
  - 2 Q. No, no, it is difficult at best to keep it straight
  - 3 and have the two hats and I appreciate you being cognizant of
  - 4 that.

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- 5 A. Thank you.
  - Q. Who is the person that exists at UT -- that advises
- 7 candidates of probationary extensions and whether and what the
- 8 outcomes of rescinding or not rescinding are?
  - A. I don't know if there is one person. We try to put
- 10 out -- the university tries to put out communication,
- 11 question-and-answer sessions, FAQs and the like to equip
- 12 department Chairs, Dean's, some of your questions just
- 13 candidates themselves and mentors to candidates. The faculty
- 14 affairs office that I'm part of and the Provost offices always
- 15 available to help answer questions from any of those
- 16 individuals. I think what it comes down to, if a candidate
- 17 came to me and said who should I ask for advice on this, I
- 18 would say have a conversation with your chair and department --
- 19 your department chair and your Dean.
- 20 Q. Okay. And I think this segues us into what you were
- 21 thinking about in response to the CCAFR request for changes.
- 22 There's an effort to have FAQs now post spring 2019. Can you
- 23 talk about those changes?
- A. So the -- I think it was two years ago when Tasha
- 25 Beretvaz came into the role and started looking at the things

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- 1 A. It would still be not up or out either way.
- 2 Q. Is there any other difference? There would be no
- 3 difference there because non up or out, non up or out, that's
- 4 not an issue?
- 5 A. From a policy perspective, there would not be a
- 6 difference.
- 7 Q. What about from a perspective of the way in which
- 8 their candidacy is reviewed for tenure? Do they have a
- 9 heightened or higher bar that they have to cross at four years
- 10 versus five?
- 11 A. Because this isn't written in this policy or in our
- 12 policies -- what's written in our policies or in the general
- 13 guidelines, we can do that again, is that the work will be
- 14 considered as though it were performed in the normal period of
- 15 service. We'd have to look to see if that's what it said in
- 16 those guideline as well.
- 17 I don't know if speaking for Carmen Shockley is
- 18 needed here. I don't -- should I be keeping separate the fact
- 19 witness and the corporate witness? If I were speaking as Carmen
- 20 Shockley -- maybe I'll just do that -- I have not perceived a
- 21 difference in that example that you just gave.
- 22 Q. Okay. And as UT?
- 23 A. We don't have any policies that would create a
- 24 difference between those examples.
- 25 Q. Okay.

- 1 she -- she's a full professor in the college of education and I
- 2 think that the things that she brought to the role in terms of
- 3 clarifications, better transparency, more communication, these
- 4 FAQs were Dr. Beretvaz led effort where she said that there's
- 5 not enough clarity around these questions and answers and so6 that was the beginning of the FAQs that we do reference quite a
- 7 bit now. Items such as the CCAFR recommendation certainly gave
- 8 not -- but credibility to that -- the fact that that idea
- 9 needed some exploration and action.
- 10 Q. Any other changes that have occurred since spring of
- 11 '19 on the probationary extension period?
- 12 A. When we found ourselves so severely disrupted in
- 13 spring of 2020 because of the pandemic, it was decided at the
- 14 UT system level that the maximum number of two personal
- 15 circumstances, extensions would stand, but that another
- 16 probationary extension could be offered because of the
- 17 operational impact of the COVID pandemic so I'd say that was a
- 18 change meaning essentially that an assistant professor could
- 19 get up to three probationary period extensions, two for
- 20 personal circumstances and one for operational impact.
- 21 Q. Okav.
- 22 A. That's a big change that came to mind. I'm not sure
- 23 that we -- I'm not recalling -- another change is not coming to
- 24 mind.
- 25 Q. Okay. And did you participate in drafting responses

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1 to FAQs?

- 2 A. I did.
- 3 Q. Do any of them relate to the affects of rescinding or
- 4 not rescinding on the standard that's applied at tenure
- 5 consideration?
- A. I don't believe we addressed that in the FAQ. I'd
- 7 have to look to be certain.
- Q. For instance, does rescinding or not rescinding the
- 9 probationary extension period have any impact on the height of
- 10 the bar that you have to cross to get tenured, upon
- 11 verification of that?
- 12 A. No, I don't believe we have that in our FAQs.
- 13 Q. If that question was put in the FAQs, your answer
- 14 would be?
- 15 A. Be -- as asked just then -- that would be a hard one
- 16 to answer in that way. As we've kind of developed in this
- 17 testimony, we do have different kind of categories that people
- 18 end up falling into so I'd be hesitant to answer that as
- 19 generally as I can answer a question such as what's the
- 20 deadline to apply. It's a straightforward question-and-answer
- 21 that applies to everyone. The question you posed I think would
- 22 be better handled in a conversation so that we can look at that
- 23 specific faculty member's time and rank and extensions.
- Q. So an answer would be it depends, contact X, Y or Z?
- 25 A. That would be -- yes, that would be very similar to

- 1 service as an Assistant Professor, the normative time for
  - 2 review that sort of six years that it would not be -- somewhat
  - 3 of what you said, it would not be counted as though it happened
  - 4 over eight years in rank therefore we wouldn't expect a greater
  - 5 productivity in eight years that the university would expect in
  - 6 a normative period of time.
  - 7 Q. Okay. And that's one of the ways that UT attempts to
  - 8 specify how the policy does not negatively impact a person that
  - 9 accesses that policy?
  - 10 A. I agree with that.
    - MS. HILTON: Robert, real quick. Sorry to
  - 12 interrupt. I'm having a really hard time hearing you. Is
  - 13 there any way you could be a little closer to the microphone?
  - 14 MR. NOTZON: I'm moving around too much?
    - MS. HILTON: Yeah, you're moving around too much.
    - MS. SHOCKLEY: And I'm probably shouting.
  - 17 MR. NOTZON: No problem. Any time, just let me
  - 18 know. Is this better?
  - 19 MS. HILTON: Yes, thank you.
    - (Last question read.)
  - 21 Q. (BY MR. NOTZON) Do you understand that just how the
  - 22 policy is applied to males and females is not the end of the
  - 23 inquiry when it comes to the effect of the policy on the
  - 24 faculty member?
  - 25 A. Can you please ask me that a different way?

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- 1 the answer.
- Q. What if the FAQ was what does considered as having
- 3 occurred during the -- what was it, normal period or what did
- 4 you say?
- 5 A. The normal period of service.
- 6 Q. Yeah. What does that apply to and how does that
- 7 work?
- 8 A. Specific to a probationary period extension?
- 9 Q. Yes
- 10 A. So since that is articulated in the general
- 11 guidelines, I would probably copy, paste what's in the general
- 12 guidelines we could look at that to see if it answers that
- 13 question you're asking me.
- 14 Q. Feel free. I don't see that it does. I just make
- 15 that statement but it doesn't explain what it means.
- 16 A. Oh, I see. I see.
- 17 Q. How it's applied?
- 18 A. How it's applied.
- 19 Q. So if you have X number of publication, it wouldn't
- 20 be divided by seven years, it would be divided by six?
- 21 A. I was trying to think if we had something referencing
- 22 a denominator in that -- in those FAQs I don't think we do.
- 23 Q. Well, taking the FAQs off the table just --
- 24 A. Right, right, that was a reference point. So I would
- 25 say the work -- the normal period of service would be as

- 1 Q. Sure. I was trying to start general, but the idea is
  - 2 that a probationary extension for the birth of a child is
  - 3 offered to allow the parent, male or female, to have time with
  - 4 their child without it negatively impacting or drawing their
  - 5 attention away to the work and to the tenure process which is,
  - 6 you know, admittedly can be stressful, because you need to --
  - you need to be wonderful for six years.
  - 8 But when a man who doesn't birth a child has the
  - 9 extension, they're not as medically, physiologically,
  - 10 emotionally, psychologically taxed as a woman is so when they
  - 11 have the probationary extension they get an extra years worth
  - 12 of effort that can be crammed into the six years so they get
  - 13 seven years of work that's put down into six years whereas a
  - 14 woman might actually lose that entire year depending on the
  - 15 medical issues that they engage in?
  - 16 MS. HILTON: Objection. Form.
  - 17 Q. Do you see that as a factor that is in play with the
  - 18 implementation of the probationary extension for the birth of a
  - 19 child?

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- MS. HILTON: Objection. Form.
- 21 A. I do not.
  - THE WITNESS: Sorry, Amy. I keep interrupting
- 23 you.
- 24 Q. You do not, you said?
- 25 A. I do not see that as a factor at play when

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1 implementing this policy for our employees.

- 2 Q. And is that because you disagree with what I said
- 3 that women have greater medical, physical, emotional tolls when
- 4 birthing a child than a men does?
- 5 A. I don't agree that that is the situation for every
- 6 woman or every family.
  - Q. Okay. I don't know what I said if it was for every
- 8 woman but definitely as between men and women there is going to
- 9 be a difference there.
- 10 A. I am -- I'm not comfortable saying that that is
- 11 true...

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- 12 Q. Okay. How about that there is a potential substantial
- 13 difference in the experience between the birthing mother and
- 14 the non-birthing father?
- 15 A. Because the policy is broader than that and I was
- 16 thinking about implications for the policy. What I'm thinking
- 17 of is there are some situations where that could be the reverse
- 18 because it's not just from that children born in a certain way
- 19 but it's also for adoption and other family circumstances
- 20 where, if you were talking about two partners who shared
- 21 household responsibilities it could be -- I'm not comfortable
- 22 saying that there's -- that we can generalize one having more
- 23 impact than another, one employee having a greater impact than
- 24 another without looking kind of case-by-case and getting their
- 25 feedback.

1 period extensions and then formed a policy as a result of that.

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- 2 Q. Okay. Or considered altering the policy?
- A. There has not been consideration of altering the
- 4 policy along those lines that I'm aware of.
- 5 Q. All right. Let's go ahead and go the third topic.
- 6 A. Okay
- 7 Q. Tenured faculty in the UT department who have taken a
- 8 leave of absence of a semester or more, (not including absences
- 9 covered under the FMLA). Since Dr. Nikolova began at UT the
- 10 reason for those absences and any policies and facts that
- 11 govern the ability of tenured faculty members to take a leave
- 12 of absence. So let's start with the list.
- 13 A. Okay. So we have a database of leave requests that we
- 14 enter into and I pulled those -- pulled that data and then
- 15 started to refine it based on the parameters in the topic,
- 16 specifically tenured faculty, right, who have taken a leave of
- 17 absence of a semester or more and since Dr. Nikolova began at
- 18 UT and -- so I do have some notes just that I have written down
- 19 that I can also provide kind of at the bottom of my topics page
- 20 where I found 13 individuals have met those parameters.
- 21 Q. Why don't you just go ahead and include those in your
- 22 scanned version. I'll put all those notes in number 50.
  - A. Okay, be happy to.
- 24 Q. All right. So those 13 individuals, do we -- I
- 25 guess, do we have -- they had different periods of time where

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- 1 Q. So how would UT handle it if there was a difference
- 2 in the experience?
- 3 MS. HILTON: I'm going to object to outside the
- 4 scope but, Carmen, you can go ahead and answer.
- 5 A. I am not aware of those -- of that set of facts
- 6 presenting itself in a family situation. In addition, when
- 7 individuals are reviewed for promotion, it isn't comparative to
- 8 their partner or spouse which I don't think that's what you
- 9 were asking.
- 10 Q. Well, let me ask it this way. In relation to the
- 11 child. Has UT done anything to study, understand, or modify
- 12 the policy based upon the fact that women actually go through
- 13 the birth of the child and have a draft of potential
- 14 consequences on their physical self and emotional and
- 15 psychological self that men don't have?
- 16 MS. HILTON: I'm going to object to -- sorry.
- 17 Are you done with your question? I didn't mean to interrupt.
- 18 I apologize. I object to outside the scope. But, again,
- 19 Carmen, you can go ahead and answer.
- 20 A. I don't know if the university has done any, I think
- 21 you said research.
- 22 Q. Study.
- 23 A. Study?
- 24 Q. Yes.
- 25 A. Related to our employees who have taken probationary

- 1 they were on leave?
  - 2 A Yes
  - 3 Q. Either a semester or more?
  - 4 A. Yes.
  - 5 Q. What's the longest leave.
  - 6 A. May I look at the reference document I have?
  - 7 Q. Sure.
  - 8 A. Okay. To see what the longest period -- well, so our
  - 9 information captures this by request so I'm looking at years at
  - 10 a time. It is possible that someone in here may have had two
  - 11 years in a row. The data is just not organized that way.
  - 12 Q. Are these two separate requests?
  - 13 A. Yes, each year would have had it's own request.
  - 14 Q. And you're going to provide me with that list of
  - 15 people?
  - A. Yes, I can provide you with this Excel sheet that I'm
  - 17 looking at.
  - 18 Q. Okay. And the list it of people and the leaves they
  - 19 had?
  - 20 A. Yes.
  - 21 Q. Okay.
  - 22 A. Yes.
  - 23 Q. And it indicates time of the leave and length of the
  - 24 leave?
  - 25 A. Yes, it does, it has the year, the semester, if it's

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1 less than a year it has the semester, it has the reason, if it

- 2 is approved. Looks like one from last year is pending. I'm
- 3 not sure what that means, and that it shows that they were all
- 4 in ECE.
- 5 Q. Okay. And what are the -- so that covers everything
- 6 up to the and any policies and practices that govern?
- 7 A. Yes. So there is a handbook of operating procedures,
- 2-2210 I can also pull up or look up and it simply -- it's
- really more of a process sort of. This is when a leave is in
- 10 the best interest of the university, a faculty member may
- 11 request it and that request has to be approved by the
- 12 department chair, the Dean and the Provost office in the case
- 13 of a leave of absence and the University of Texas can approve
- up to two consecutive years, a third consecutive year has to 14
- 15 have UT system approval. And I did also in preparing for this
- 16 topic checked with the Dean's office in engineering
- specifically Jerry Speitel, Gerald Speitel to see if there was
- some sort of program or policy specific to the department that 18
- wasn't -- that I wasn't aware of or that wasn't part of the UT 19
- 20 policy and as far as leave of absences go, there are not.
- 21 MR. NOTZON: Amy, do we have that policy HOP
- 22 2-2210 has that been --
- 23 MS. HILTON: I believe so. Let me check real

A. It's called faculty leaves and special academic

we'll produce it but let me see if I can find it quickly.

MS. HILTON: All right.

(Exhibit 53 identified.)

we'll just make that Exhibit 53, okay?

MR. NOTZON: If we have that then we don't have

MS. HILTON: Yeah, certainly if you don't have it

Q. (BY MR. NOTZON) That policy, HOP 2-2210, Ms. Shockley

MR. NOTZON: Why don't we just make that

Q. Just to ask you a question about it. Is there any

leave? Do they have to -- can they have it in their first year

of tenure or do they have to wait some X number of years before

limitation to when the tenured faculty has access to that

A. Let me clarify that. That policy is not only

23 no, it does not give a specific period of service in which

A. Okay. So it is all faculty are governed by it and,

24 someone would be eligible or which someone would be eligible

24 quick.

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25 for that.

2 assignments.

to make it an exhibit

Exhibit 53, okay?

A. Okay.

they have access to that?

specific to tenured faculty.

Q. Okay.

25 MR. NOTZON: Okay.

- Q. So the consideration by the Chair, Dean and Provost
  - would be to their discretion without policy guidelines to help
  - them decide "yes" or "no." It would just be based upon the
  - circumstances provided by the faculty member making the request
  - and whether it's granted?
  - A. And the approver's assessment of whether that leave
  - 7 would be in the university's best interest or not.
    - Q. Okay. But using that general guide of the
  - 9 university's best interest would be the only limitation?
  - 10 A. And the constraint on the number of years,
  - 11 consecutive years.
  - 12 Q. That you testified. Okay.
  - 13 A. Thank you.
  - 14 Q. Okay. All right. Let me have a couple of minutes.
  - 15 Don't go too far I've just got to check with my co-counsel and
  - decide if I've got anymore questions. 16
  - 17 (A recess was taken at 1:11Â p.m.).
  - 18 Q. Okay. On the CCAFR member that you spoke to, what was
  - 19 her name again?
  - A. Pauline Strong. 20
  - 21 Q. Okay.
  - 22 A. Okay.
  - 23 Q. What do you recall her providing you in terms of
  - 24 information to testify today?
  - 25 A. Certainly. It was a brief conversation. I asked her

- 1 if there were any -- if she had -- not she but the subcommittee
  - had any conversations or reviewed any materials that were not
  - part of the CCAFR report and she said they did not and there
  - were not so I confirmed then that the report was complete and
  - if I testified that that was their process of inquiry that I
  - would be testifying truthfully. She said yes. I did ask her
  - about the -- in CCFAR's report they attach interview notes from
  - their interviews with Dr. Nikolova, Dr. Tewfik and Dr. Wood and
  - I noted in reviewing that that Dr. Nikolova's interview ended
  - with a line about -- I don't remember if she used both gender
  - and pregnancy bias and discrimination I'd have to look I'm
  - happy to look at that just to tell you exactly what it said
  - that's the last line of the interview notes and so I also asked
  - Dr. Strong if there was anything else said about that because
  - it ended there and she said her recollection was that they did
  - not discuss that further with Dr. Nikolova. They recalled that
  - she said she couldn't recall if she was crying at that point
  - but that she was emotional about the conversation. The report
  - notes that it was a 90-minute long conversation. She offered
  - to me that they did talk about that aspect as a subcommittee
  - and did not for themselves as a CCAFR subcommittee, one did not
  - feel like it was within the scope of their review and possibly
  - better handled in a grievance or with another office or through
  - other avenues open to Dr. Nikolova. They did not see the
  - evidence for that themselves is what they she me they recalled

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	114					116
1	but she qualified that with that's not what that was not	1	m	akin	a	
2	within the scope of what our subcommittee was there to talk	2			y. Pass the witness.	
3	about.	3		Q.	MS. HILTON: We'll reserve for trial.	
4	Q. They didn't explore it sufficiently or put the time	4			(The proceedings concluded at 1:23 P.M.)	
	into it because that's not what we do kind of thing?	5			(The proceedings concluded at 1.23 F.M.)	
5						
6	A. Right. I think that's an accurate assessment.	6				
7	Q. Okay. All right. And then back so that's the end	7				
8	of your corporate hat.	8				
9	A. Okay.	9				
10	Q. Just one more time with your Shockley hat. Do you	10				
11	recall speaking to anybody that communicated to you that they	11				
12		12				
13		13				
14	A. I recall talking with professor Brian Evans who was a	14				
15	chair of CCAFR this was at the time not preparing for today.	15				
16	I recall talking to him about this case. I don't recall that	16				
17	he said what you just asked me. She should have received	17				
18	tenure. But I do recall that he had concerns about the	18				
19	decision.	19				
20	Q. Okay. And did you did he just make that comment or	20				
21	was there a discussion about it?	21				
22	A. We were having a discussion. Actually I believe we	22				
23	may have been talking about the guidelines for coming year. As	23				
24	I mentioned, they are reviewed every year and put forward and	24				
25	he was the chair of CCAFR at that time and we were talking	25	5			
	115					117
	115	1			SIGNATURE AND CHANGES	117
1	about that and it came up I believe it came up in the	1 2			SIGNATURE AND CHANGES WITNESS NAME: CARMEN SHOCKLEY	117
2	about that and it came up I believe it came up in the context of discussing the general guidelines. It was not I	2 3			WITNESS NAME: CARMEN SHOCKLEY DATE, MAY 28, 2021	117
2	about that and it came up I believe it came up in the context of discussing the general guidelines. It was not I don't recall what am I trying to say reacting in a way	2 3 4	PAG	GE LII	WITNESS NAME: CARMEN SHOCKLEY DATE, MAY 28, 2021 NE CHANGE REASON	117
2 3 4	about that and it came up I believe it came up in the context of discussing the general guidelines. It was not I don't recall what am I trying to say reacting in a way that would encourage further discussion about her case because	2 3	PAG	GE LII	WITNESS NAME: CARMEN SHOCKLEY DATE, MAY 28, 2021	117
2 3 4 5	about that and it came up I believe it came up in the context of discussing the general guidelines. It was not I don't recall what am I trying to say reacting in a way that would encourage further discussion about her case because that would not be appropriate in my role.	2 3 4 5 6 7	PAG	GE LII	WITNESS NAME: CARMEN SHOCKLEY DATE, MAY 28, 2021 NE CHANGE REASON	117
2 3 4 5 6	about that and it came up I believe it came up in the context of discussing the general guidelines. It was not I don't recall what am I trying to say reacting in a way that would encourage further discussion about her case because that would not be appropriate in my role.  Q. Okay. And then did you feel that Dr. Nikolova's	2 3 4 5 6 7 8	PAG	GE LII	WITNESS NAME: CARMEN SHOCKLEY DATE, MAY 28, 2021 NE CHANGE REASON	117
2 3 4 5 6 7	about that and it came up I believe it came up in the context of discussing the general guidelines. It was not I don't recall what am I trying to say reacting in a way that would encourage further discussion about her case because that would not be appropriate in my role.  Q. Okay. And then did you feel that Dr. Nikolova's qualifications merited tenure from your hundreds maybe	2 3 4 5 6 7	PAG	GE LII	WITNESS NAME: CARMEN SHOCKLEY DATE, MAY 28, 2021 NE CHANGE REASON	117
2 3 4 5 6 7 8	about that and it came up I believe it came up in the context of discussing the general guidelines. It was not I don't recall what am I trying to say reacting in a way that would encourage further discussion about her case because that would not be appropriate in my role.  Q. Okay. And then did you feel that Dr. Nikolova's qualifications merited tenure from your hundreds maybe thousands experiences as compared with other individuals that	2 3 4 5 6 7 8 9 10		GE LII	WITNESS NAME: CARMEN SHOCKLEY DATE, MAY 28, 2021 NE CHANGE REASON	117
2 3 4 5 6 7 8 9	about that and it came up I believe it came up in the context of discussing the general guidelines. It was not I don't recall what am I trying to say reacting in a way that would encourage further discussion about her case because that would not be appropriate in my role.  Q. Okay. And then did you feel that Dr. Nikolova's qualifications merited tenure from your hundreds maybe thousands experiences as compared with other individuals that have received tenure under similar circumstances?	2 3 4 5 6 7 8 9 10 11		GE LII	WITNESS NAME: CARMEN SHOCKLEY DATE, MAY 28, 2021 NE CHANGE REASON	117
2 3 4 5 6 7 8 9	about that and it came up I believe it came up in the context of discussing the general guidelines. It was not I don't recall what am I trying to say reacting in a way that would encourage further discussion about her case because that would not be appropriate in my role.  Q. Okay. And then did you feel that Dr. Nikolova's qualifications merited tenure from your hundreds maybe thousands experiences as compared with other individuals that have received tenure under similar circumstances?  A. So, yes, speaking as Carmen Shockley who doesn't have	2 3 4 5 6 7 8 9 10		GE LII	WITNESS NAME: CARMEN SHOCKLEY DATE, MAY 28, 2021 NE CHANGE REASON	117
2 3 4 5 6 7 8 9 10	about that and it came up I believe it came up in the context of discussing the general guidelines. It was not I don't recall what am I trying to say reacting in a way that would encourage further discussion about her case because that would not be appropriate in my role.  Q. Okay. And then did you feel that Dr. Nikolova's qualifications merited tenure from your hundreds maybe thousands experiences as compared with other individuals that have received tenure under similar circumstances?  A. So, yes, speaking as Carmen Shockley who doesn't have a voice in the decision and isn't one of the decision makers,	2 3 4 5 6 7 8 9 10 11 12 13 14 15		GE LII	WITNESS NAME: CARMEN SHOCKLEY DATE, MAY 28, 2021 NE CHANGE REASON	117
2 3 4 5 6 7 8 9 10 11 12	about that and it came up I believe it came up in the context of discussing the general guidelines. It was not I don't recall what am I trying to say reacting in a way that would encourage further discussion about her case because that would not be appropriate in my role.  Q. Okay. And then did you feel that Dr. Nikolova's qualifications merited tenure from your hundreds maybe thousands experiences as compared with other individuals that have received tenure under similar circumstances?  A. So, yes, speaking as Carmen Shockley who doesn't have a voice in the decision and isn't one of the decision makers, while I don't recall all of the specifics of her file, I do not	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16		GE LII	WITNESS NAME: CARMEN SHOCKLEY DATE, MAY 28, 2021 NE CHANGE REASON	117
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	about that and it came up I believe it came up in the context of discussing the general guidelines. It was not I don't recall what am I trying to say reacting in a way that would encourage further discussion about her case because that would not be appropriate in my role.  Q. Okay. And then did you feel that Dr. Nikolova's qualifications merited tenure from your hundreds maybe thousands experiences as compared with other individuals that have received tenure under similar circumstances?  A. So, yes, speaking as Carmen Shockley who doesn't have a voice in the decision and isn't one of the decision makers, while I don't recall all of the specifics of her file, I do not recall having concerns or a disagreement with just in my own mind with the President's decision.  Q. Okay. And slightly different question, did you see or observe that the factors that were called out to criticize Dr. Nikolova were not factors that were focused on or relied upon in the tenure review of other candidates? In other words, Dr. Nikolova was faulted or criticized for saying that other people weren't faulted or criticized.  MS. HILTON: Objection. Form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24		GE LIIL	WITNESS NAME: CARMEN SHOCKLEY DATE, MAY 28, 2021 NE CHANGE REASON	117
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## Carmen Shockley - 5/28/2021

		SIGNATURE	AND CHANGES
		WITNESS NAME: C.	ARMEN SHOCKLEY
		DATE, MAY	28, 2021
PAGE	LINE	CHANGE	REASON
41	3.7	Replace "Exclusing" with "Excluding"	To correct the name of the document
9	1	Replace "you" with "she"	The question was about Janet Dukerich rather than about me
21	14	Replace "tract" with "track"	I said track rather than tract
23	3	Replace "year" with "time"	I said time in rank rather than year in ra
23	24	Replace "time and rank" with "time in rank"	The question was about time in rank.
24	25	Replace "time and rank" with "time in rank"	Same as above
25	i	Replace "time and rank" with "time in rank"	Same as above
25	5	Replace "time and rank" with "time in rank"	Same as above
25	15	Replace "time and rank" with "time in rank"	Same as above out the displacement to the displacement of the same
27	20	Replace "upper out year" with "up or out year"	rather than upper year
28	7.4	"Replace "Dean. Oka with "Dean or Provos	t." thandean. Okay provos
29	6	Replace "upper out year with "up or out year"	r I said up or out year rather than upper year
30	10	Remove the word "it"	I didn't say it
38	10-1	I feel that this wasn't correctly but am not sure change should be.	e what the
46	7	Replace "time and rank" with "time in rank"	The answer was about time in rank
46	14	Replace "attempts" with "terms"	I said terms rather than attempts
47	8	Replace "tenured" with "tenure"	I said tenure rather than tenured
47	10	Replace "tenured" with "tenure"	I said tenure rather than tenured
60	22	Replace "charter" with "chart of"	I said chart of rather than charter
63	20	Replace "a not promote" with "a do not promote"	I said do not promote
	20	Replace "Sinbez" with "Fenves"	The president's last name was Fenves

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			n curvers
		SIGNATURE AND	D CHANGES
		WITNESS NAME: CAR	MEN SHOCKLEY
		DATE, MAY 28	8, 2021
PAGE	LINE	CHANGE	
81	17	likely that I said it WOULD be d	't say it "wouldn't" be contrary It is motion contrary. Is it possible to have this review
86	13	My answer was "Yes." Everything through line 16 should be changed	after that and d to a new "Q"
89	12	Replace "year" with "years"	To correct the record
92	25	Replace "and" with "in"	To correct the record
100	14	Replace "offices always" with "office is always"	To correct the record
100	25	Replace "Beretvaz" with "Beretvas"	To correct the spelling of her last name
101	4	Replace "Beretvaz" with "Beretvas"	To correct the spelling of her last name
101	8	Replace "not" with "note"	To correct the record
THE OWN	l note -	Professor "Bloom" should be change	ed to "Blum" throughout the deposition trans
102	23	Replace "time and rank" with "time in rank"	(4.1
111	24	Replace the second "eligible" with "ineligible"	To correct the record.
113	16	Delete "They recalled that"	To correct the record
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		returns and the second	nd and and at sevelar way
9.61		of Thors	
	687	WE TOTAL	- 12 min
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			E ALL DE PAULA RIVERSON
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	118
1	SIGNATURE PAGE
2	I, CARMEN SHOCKLEY, have read the foregoing
3	deposition and hereby affix my signature that same is true and
4	correct, except as noted on the correction page.
5	
6	CARMEN SHOCKLEY
7	CARMEN SHOCKLEY
8	THE STATE of TEXAS
9	COUNTY OF Trans ) pand River
10	Before me Carmen Shockies on this day
11	personally appeared Carmen Shakity known to me [or
12	proved to me on the oath of or through
13	Texas driver license (description of identity card or other
14	document)] to be the person whose name is subscribed to the
15	foregoing instrument and acknowledged to me that he/she
16	executed the same for the purposes and consideration therein
17	expressed.
18	Given under my hand and seal of office this
19	21st day of July , 2021.
20	Paner Rmn
21	NOTARY PUBLIC in AND FOR
22	THE STATE of TCXOS
23	
24	My Commission Expires: DU22/25 PAULA RIVERA-RUIZ MY COMMISSION EXPIRES APRIL 22, 2025
25	NOTARY ID: 133055762

119 1 COUNTY OF DALLAS ) 2 STATE OF TEXAS ) 3 REPORTER'S CERTIFICATION 4 I, JACQUELINE LOVE-WORLINE, CSR, hereby 5 certify that the witness was duly sworn and that this 6 transcript is a true record of the testimony given by 7 the witness. 8 I further certify that I am neither 9 counsel for, related to, nor employed by any of the 10 parties or attorneys in the action in which this 11 proceeding was taken. Further, I am not a relative or 12 employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of 13 14 the action. 15 Subscribed and sworn to on this, the 22nd day of 16 June, 2021. 17 18 19 20 LOVE-WORLINE, CSR NO. 8970 Expiration Date: 11/30/2022 21 Firm Registration No.: 528 FOR: INTEGRITY LEGAL SUPPORT SOLUTIONS 22 PO Box 245 Manchaca, TX 78652 23 Telephone: 512-320-8690 24 25

UNITED	STA	ATES	DISTE	RICT	COURT
WEST	ERN	DIST	TRICT	OF	TEXAS
	AUS	STIN	DTVTS	STON	J

\_\_\_\_\_

REMOTE ORAL DEPOSITION

OF

JERRY SPEITEL
AS CORPORATE REPRESENTATIVE

MAY 28, 2021

\_\_\_\_\_

REMOTE ORAL DEPOSITION of JERRY SPEITEL produced as a witness at the instance of the PLAINTIFF, and duly sworn, was taken in the above-styled and numbered cause on the 28th day of May 2021, from 2:01 p.m. to 4:39 p.m. reported remotely before Jacqueline Love-Worline, CSR, in and for the State of Texas, reported by machine shorthand remotely from Dallas, Texas, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto, and also pursuant to the First Emergency Order regarding the COVID-19 State of Disaster declared by Governor Abbott dated March 13, 2020, renewed thereafter.

## Case 1:19-cv-00877-RP Document 38-2 Filed 09/21/21 Page 326 of 543

	2	
1 APPEARANCES	1	EXHIBIT INDEX
2 FOR THE DEFENDANT: UNIVERSITY OF TEXAS AT AUSTIN 3 BENJAMIN DOWER		
AMY HILTON	2	
4 Assistant Attorney General	3	
Office of the Attorney General  5 General Litigation Division, P.O. Box 12548, Capitol Station		Video Deposition of Jerry Speitel as a Fact
Austin, TX 78711-2548	4	Witness and Corporate Representative 20
6 Telephone: 512-463-2120 Benjamin.dower@oag.texas.gov	5	55 E-mail 33
7	6	56 E-mail 58
8 FOR THE PLAINTIFF: EVDOKIA NIKOLOVA	7	57 E-mail 65
9	8	58 E-mail 67
ROBERT NOTZON  10 The Law Office of Robert Notzon	9	
1502 West Avenue	10	
11 Austin, TX 78701 Telephone: 512-474-7563	11	
12 Robert@notzonlaw.com	12	
13 ROBERT SCHMIDT  Crews Law Firm, P.C.		
14 701 Brazos, Suite 900	13	
Austin, TX 78701 15 Telephone: 512-346-7077	14	
Schmidt@crewsfirm.com	15	
16 17 ALSO PRESENT:	16	
17 ALSO PRESENT: 18 Laura Barbour, In-House Assistant General Counsel, UT Austin	17	
19 Jody Hughes, Associate Vice President of Legal Affairs, UT Austin	18	
Austin 20	19	
21 22	20	
23	21	
24 25	22	
20	23	
	24	
	25	
	3	
1 INDEX	1	THE REPORTER: Today is Friday, May 28, 2021.
2 PAGE	2	This is the remote videoconferenced deposition of Jerry Speitel
3 WITNESS: JERRY SPEITEL		to the constant of Nilseless conservation Day to the Occide 40
4 Examination by Mr. Notzon5	3	in the matter of Nikolova versus UT Austin. Due to the Covid-19
	4	
5 Examination by Mr. DowerN/A		pandemic, we are remotely situated, and we are on the record at
5 Examination by Mr. DowerN/A 6 Signature Page73	4 5	pandemic, we are remotely situated, and we are on the record at 2:01 p.m. Central Standard Time. My name is Jacqueline
5 Examination by Mr. DowerN/A 6 Signature Page73 7 Reporter's Certificate	4 5 6	pandemic, we are remotely situated, and we are on the record at 2:01 p.m. Central Standard Time. My name is Jacqueline Love-Worline, TX CSR No. 8970, and my business address is
5 Examination by Mr. DowerN/A 6 Signature Page73 7 Reporter's Certificate75 8	4 5 6 7	pandemic, we are remotely situated, and we are on the record at 2:01 p.m. Central Standard Time. My name is Jacqueline Love-Worline, TX CSR No. 8970, and my business address is located at P.O. Box 245, Manchaca, Texas 78652. Would all
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5 Examination by Mr. Dower	4 5 6 7 8	pandemic, we are remotely situated, and we are on the record at 2:01 p.m. Central Standard Time. My name is Jacqueline Love-Worline, TX CSR No. 8970, and my business address is located at P.O. Box 245, Manchaca, Texas 78652. Would all persons present please state their appearances beginning with the questioning attorney first.
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- 1 reserved until trial. The parties stipulate that plaintiff's
- 2 counsel Mr. Robert Schmidt, can record and also does not need
- 3 to do the sort of announcement of the timing of the stopping
- 4 and starting of the record. And then lastly, and this isn't
- 5 really a stipulation but before I forget the deponent would
- 6 like an opportunity to review the transcript and recording
- 7 pursuant to Federal Rule of Civil Procedure 30-E and with that
- 3 I will yield the floor to you, Robert.
- 9 MR. NOTZON: Agreed.
- 10 JERRY SPEITEL,
- 11 Having been duly sworn, testified as follows:
- 12 EXAMINATION
- 13 BY MR. NOTZON:
- 14 Q. Good afternoon.
- 15 A. Good afternoon.
- 16 Q. Would it be acceptable to you to refer you as Dr.
- 17 Speitel?
- 18 A. Oh, that's fine, sure.
- 19 Q. Okay. So, Dr. Speitel, have you ever had your
- 20 deposition taken before?
- 21 A. I have not.
- 22 Q. Okay. As you've just experienced, you've been sworn
- 23 in so what you have to say today isn't just a conversation but
- 24 your testimony and it would have the same force and effect as
- 25 if you were in front of a judge and a jury. Do you understand?

- A. That is correct.
- 2 Q. What is your position?
- 3 A. I am a tenured professor and I hold the CW Cook Dow
- 4 professorship in environmental engineering. I'm also the
- 5 Associate Dean for Academic Affairs in the Cockrell School of
- 6 Engineering?
- 7 Q. How long have you been Associate Dean?
  - A. Since 2008 so this is my 13th year.
- 9 Q. Okay. Did you have any administrative roles prior to
- 10 that?

8

- 11 A. I was department chair of the Department of Civil
- 12 Architecture Environmental Engineering from 2001 to 2008.
- 13 Q. When did you start at UT?
- 14 A. In 1988.
- 15 Q. As an assistant?
- 16 A. Yes, I started as an assistant professor.
- 17 Q. Okay. And where did you get your Ph.D.?
- 18 A. University of North Carolina Chapel Hill.
- 19 Q. And your undergrad?
- 20 A. Union College in Schenectady, New York.
- 21 Q. I won't ask you to spell it.
- 22 A. No idea. If you live there long enough you can spell
- 23 Schenectady.

7

- 24 Q. No doubt. Okay.
- 25 What are your job duties as Associate Dean?

- 1 A. I do.
- Q. Okay. One of the factors that's involved here is the
- 3 court reporter will be taking down every word that's said by
- 4 anyone in this proceeding and some poor souls of us have to
- 5 read it later and make sense of it so it's best if you wait for
- 6 me to finish my question even if you kind of know where I'm
   7 going, which would normally happen in a conversation, before
- 8 you start your answer and I'll do the reverse and try to wait
- 9 for you to finish your answer before I start my next question.
- 10 That way, when the sounds are transcribed the question will be
- 11 complete and the answer will be complete and we'll know what
- 12 goes to what. If you could do that for me, I'd appreciate that.
- A. I will do that. Thank you for reminding me.
- 14 Q. And Because of that, we want to use actual verbal
- 15 responses and not just audible or visual responses, okay?
- 16 A. Yes, sir.
- 17 Q. All right. Kind of lastly, this shouldn't take too
- 18 long. Hopefully it's shorter than it probably will be but we'll
- 19 give it an effort. If you ever need a break just let me know.
- 20 This isn't an endurance test so I want you to be comfortable,
- 21 okay?
- 22 A. Thank you. I appreciate that.
- 23 Q. Sure. I might avail myself of that myself.
- 24 Okay. You're employed by the University of
- 25 Texas, correct?

- 1 A. I oversee faculty hiring, promotion of tenure, pay
  - 2 raises, endowments. I oversee all of the academic programs
  - 3 especially related to changes in programs and accreditation. I
  - 4 have substantial responsibilities for financial planning
  - 5 related to department operating budgets, faculty salaries,
  - 6 endowments. I oversee some aspects of the graduate program.
  - 7 Have some responsibilities for staff in terms of approving
  - 8 requests for employment and from time to time, I get involved
  - 9 in student matters if they're serious enough.
  - 10 Q. Are you the only Associate Dean?
  - 11 A. No.
  - 12 Q. Okay. That's a lot of job duties you just listed.
  - 13 A. Yes, it's sort of like a Chief Operating Officer
  - 14 position.
  - 15 Q. Okay.
  - 16 Q. Are you the longest-tenured Associate Dean?
  - A. No. Two of us came in at the same time in 2008.
  - 18 Q. Okay. Hired by Dr. Fenves?
  - 19 A. Correct.
  - 20 Q. Who was the other person?
  - 21 A. John Eckert. He's the Associate Dean for research.
  - 22 Q. And what year did you get your bachelor's degree?
  - 23 A. 1976.
  - Q. Okay. I got mine in '85 so I was just wondering how
  - 25 -- where we were in the -- mine was chemical engineering, so --

C

1 okay, about I never used it. Okay. So you've been in

- 2 engineering for quite a long time?
- 3 A. Yes.
- 4 Q. And would you say that you are familiar with the
- 5 existence of the disparity of experience between male and
- 6 females in the engineering field?
- 7 A. Yes.
- 8 Q. And some form of fashion that exists undeniably in
- 9 engineering and other stem fields?
- 10 MR. DOWER: Objection. Form. Doctor, I should
- 11 say I may object to form now and again but unless I
- 12 specifically instruct you not to answer you can basically
- 13 ignore it and proceed with your answer as long as we don't talk
- 14 over each other.
- 15 A. All right. Thank you, Ben. Excuse me.
  - Robert might I get you to repeat the question.
- 17 Q. No problem. I'll ask the court reporter to read it
- 18 for you so that way we don't have to clutter up the page.
- 19 (Requested portion of the record read back by
- 20 The Reporter as follows: "Q. In some form or fashion that
- 21 exists undeniably in engineering and other stem fields?" "MR.
- 22 DOWER: Objection. Form.")
- 23 A. Yes, there's a number of studies to that affect I'd
- 24 like to think that it's diminishing -- has diminished over
- 25 time.

16

- department chair in increasing the number of women faculty in
  - 2 the Department of Civil Architecture and Environmental
  - 3 Engineering. We've also researched committees. I've been a
  - 4 big supporter of the various training activities that the
  - 5 Provost has put together so that we can construct search
  - 6 committees and search committee chairs about implicit bias and
  - 7 things of those sorts so that we have more robust and fair
  - 8 searches and ultimately higher -- make better hiring decisions.
  - 9 Q. I'm waiting for you to finish your list.
  - 10 A. I think that's all I can think of right now.
  - 11 Q. Okay. On the recruiting side, could you describe how
  - 12 you try to increase diversity in hiring?
  - 13 A. We've done a couple of things. The staff in my
  - 14 office and myself have assembled resources for the search
  - 15 committees to point them towards where -- towards places where
  - 16 they might recruit. Women and underrepresented minority
  - 17 faculty members. We've also set the expectation that they're
  - 18 going to have a diverse pool of short list candidates. Now,
  - 19 that's not always happens but it happens a lot more frequently
  - 20 than it did and we've talked a little bit about appropriate
  - 21 things that one can say and not say in faculty recruiting
  - 22 interviews. I think the university's family, which you might
  - 23 euphemistically call family-friendly policies have improved
  - 24 dramatically over the 30 plus years I've been here. Those are
  - 25 the things I would point to right now.

11

- Q. Okay. And have you seen or observed any data which
- 2 identifies to you that the gender disparity in engineering has
- 3 diminished since you became Associate Dean in 2008?
- 4 A. Well, I think the main difference is that we now have
- 5 more women on the faculty and that helps the cause.
- 6 Q. Okay. Any other improvements?
- 7 A. We have more senior women, more tenured women, so as
- 8 they move through the ranks they're move nothing to leadership
- 9 positions. As you know, we have -- among the Dean we have two
- 10 women department chairs so -- three, excuse me. Three women
- 11 department chairs so that -- I think that's important progress.
- 12 Q. Okay. Anything else that you could comment upon in
- 13 terms of your observing the reduction of disparity in the
- 14 female experience in engineering at UT?
- 15 A. I can't think of anything else offhand, no.
- 16 Q. Have you been responsible for or participated in any
- 17 efforts to alleviate any gender issues between males and
- 18 females in engineering at UT?
- 19 A. Yes.
- 20 Q. And what have you participated in?
- 21 A. Well, I've participated in constructing faculty
- 22 recruiting procedures that we have in the Cockrell School of
- 23 Engineering which talk about proactive recruiting in diverse
- 24 candidate pools. I think that's one of the things that has
- 25 helped us increase the numbers, and it's also very active with

- 1 Q. On the family-friendly side is that university wide
  - 2 or just engineering?
  - A. No, these are university wide policies, stop the
  - 4 clock, modify instruction duties, that's the sort of thing I'm
  - 5 speaking to

8

- 6 Q. Okay. Anything else besides what happens university
- 7 wise that engineering has attempted to implement?
  - A. Not anything that comes to mind right now.
- Q. Okay. And setting the expectations of a diverse
- 10 recruiting panel or an applicant pool I guess is what you said,
- 11 how do you set that expectation?
- 12 A. Well, the written documents call for it. We have a
- 3 meeting usually the Dean and I and maybe more recently
- 14 Associate Dean for Diversity Equity and Inclusion have a
- 15 meeting every year with the department -- excuse me with the
- 16 search committee chairs and talk through what our goals are and
- 17 at the end of the day I have to approve everybody that gets an
- 18 interview so if things are not going as expected that leads to
- 19 questions and possibly a conversation with the Dean.
- 20 Q. Okay. Do you participate in interviewing of
- 21 candidates yourself?
- 22 A. Yes. The goal is that the Dean and I meet each
- 23 candidate that doesn't always happen but one of us certainly
- 24 meets each candidate.
- 25 Q. Okay. And do you have any role to play in negotiating

13

1 salary?

- 2 A. Yes.
- 3 Q. And who else participates in negotiating salary?
- 4 A. The department chairs. So the way it works is we
- 5 would decide, they would -- the Department Chair would ask to
- 6 make an offer and if the Dean approves it the next question I
- 7 ask the Department Chair is what salary do you propose and then
- 8 we have a conversation about that and at the Assistant
- 9 Professor level salaries don't cover a very broad range so I
- 10 might be the final approver. If there's something unusual a
- 11 more senior person the Dean, I would probably talk with the
- 12 Dean to get approval for a salary or a range of salary that the
- 13 Department Chair can negotiate over without coming back to me.
- 14 Q. Okay. So you have a -- there's a ceiling by which you
- 15 can operate under? Is that what you said?
- 16 A. Well, no. What I would say, the Department Chair
- 17 might -- we might have a range of salary. We might say, all
- 18 right, well start out at X and you can go up to as high as Y if
- 19 you need to without coming back to me for permission. If you
- 20 want to go higher than Y, then you're going to have to come
- 21 talk to me and potentially the Dean again.
- 22 Q. Okay. And that range is provided for each individual
- 23 hire or is that range available to you for all the hires in
- 24 that category?
- 25 A. You know, it depends on the department. Generally

- 1 would want to have input on, I would talk to her.
  - 2 Q. Okay. And that conversation happens before an offer

16

17

- 3 is ever made to the candidate?
- A. Correct. So the conversation -- yeah, typically a
- 5 department chair would call a candidate up and say,
- 6 congratulations, we're going to make you an offer. Here's the
- 7 salary and now we need to start talking about other elements of
- 8 the offer, start-up package, summer salary support and graduate
- 9 research assistance support.
- 10 Q. So and just to clarify is it your testimony that for
- 1 incoming Assistant Professors in ECE there's no negotiating
- 12 with them?
- 13 A. No. There's always negotiating. I mean anybody --
- 14 there can be negotiating. Generally for Assistant Professors
- 15 across the school most of the negotiation is not around salary
- 16 because there's not a lot of room for us to maneuver on
- 17 salaries. Most of the negotiation is over start-up packages
- 8 for -- especially for experimentalists.
- 19 Q. Can you explain a little more detail about what that
- 20 means, what start-up package bells and whistles are there?
- A. So some peoples -- some faculty members research is
   computational, so pretty much all they need is computers and UT
- 23 has a pretty robust central computational system that the Texas
- 24 advanced computing center so they don't need very many
- 5 resources to start their research program. Other people are

15

- 1 it's an individual conversation about each faculty member but,
- 2 again, at the Assistant Professor level there's not a lot of
- 3 difference. These days, the Department Of Electrical and
- 4 Computer Engineering has a standard starting salary which is
- 5 essentially automatically approved by me because we don't
- 6 wander around with different numbers generally speaking. We
- 7 just have a single salary.
- 8 Q. How long has there been a single salary in ECE, or is
- 9 this for an incoming Assistant Professor?
- 10 A. You know, I'd have to look at the records but several
- 11 years would be my offhand recollection.
- 12 Q. Do you recall if that -- and let me clarify. You're
- 13 saving that for ECE, a starting salary incoming Assistant
- 14 Professor is X regardless of who it is and who is coming in?
- 15 A. Yes, unless there's some extenuating circumstance,
- 16 but, yes, it's \$115,000, nine-month salary.
- 17 Q. Okay. And that is regardless of whether they're
- 18 coming in straight off their Ph.D. or whether they have three
- 19 or so years of teaching experience at another institution?
- 20 A. That salary is the nominal starting salary. A
- 21 Department Chair could say to me I'd rather not do -- I'd
- 22 rather not do the 115,000 because of some extenuating
- 23 circumstance. Could we go to 118,000? And then I might --
- 24 again, I might approve that on my own, or if I think it's
- 25 something that I want to get the Dean's input on or the Dean

- 1 laboratory experimentalists so they might need to buy
  - 2 analytical instruments, they need some money to purchase
  - 3 supplies, sometimes they need money to use central user
  - 4 facilities which house our fancy equipment and you have to pay
  - 5 by the hour to use them. And basically this money is provided
  - 6 to them so they can get their research started in advance of
  - 7 their research grants coming in the door because it takes time
  - 8 to get the research grants in the door.
  - 9 Q. Okay. And are there just two categories; the
  - 10 laboratory experimental and the computational? Or are there
  - 11 more categories that you would say exists for Assistant
  - 12 Professors and their funding needs?
  - 13 A. There are some nuances around it but those are the
  - 14 two primary categories.
  - 15 Q. Okay. I was just thinking off the top of my head that
  - 16 some people have to do their work in the field so that would be
  - 17 another category of difference of needed funding?
  - 18 A. Yes. That would be a potential third one. Very few
  - 19 people are doing field work but, yes, you might have some
  - 20 different needs if you were predominantly field work versus
  - 21 laboratory experimentalist versus computational.
  - 22 Q. Okay. I guess the field work people would be more
  - 23 closely associated with the experimental lab people than the
  - 24 computational people?25 A. That is generally the case, yes.

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Q. And the funding required for graduate students to

- 2 help work on the research, are those different depending on
- 3 those different buckets that we just talked about or are those
- 4 costs pretty much the same, it's only the equipment and the lab
- 5 time and the travel that might be of difference?
- A. Yeah, our standard offer package to an Assistant
- 7 Professor in terms of graduate research assistant years and
- summer salary is pretty consistent within each department.
- Some departments have put more of their money and offer more 9
- graduate research in assistant years than others, but it tends
- 11 to be pretty consistent from Assistant Professor to Assistant
- 12 Professor.
- 13 Q. Do you recall making an offer to Dr. Nikolova to come
- 14 and work at UT?
- 15 A. Well, I know we made an offer. I don't actually
- recall the specifics of the offer or the negotiation because it 16
- 17 was so long ago.
- 18 Q. Right. It was the summer of '13?
- 19 A. Right, and I've probably done 250 negotiations since
- 20 then.
- Q. Okay. But do you recall that you were part of that 21
- 22 process?
- A. For sure I was part -- I don't specifically recall 23
- being part of it but the records definitely show that I was 24
- part of it.

- 1 e-mail. I looked but I didn't find any e-mails related to the
  - 2 negotiations of her salary so it must have been oral because
  - 3 it's not uncommon for me to do this over the phone with the
  - 4 Department Chair.
  - Q. And you understand, you're here as a individual with
  - 6 this being deposed for his memory and experience as an
  - individual, but also you're designated to speak as UT on a
  - particular topic, is that correct?
    - A. Yes, sir, I understand that.
      - (Exhibit 54 identified.)
    - Q. Let me go ahead and put up the deposition notice.
  - It's going to be put in the chat. It's going to be Exhibit 54.
  - It takes me a little while to do it. I think it should be
  - 14 there.

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18

- 15 A. Yeah, I see it. I'm having a little trouble -- I
- guess do I need to download it is that what's going to happen?
- 17 Q. I think so.
  - A. Okay.
- 19 Q. You click on it and it should open.
- 20 MR. DOWER: Mr. Speitel, you may want to create a
- folder somewhere so that all of the exhibits that Robert shows
- you, you can all save them from the same location for easy
- 23 referencing purposes.
- 24 A. All right. Let me try this. Well, it opened. I got
- 25

19

- Q. Okay. So in preparing for your deposition today you
- 2 reviewed documents which refresh your recollection that you
- were involved in that interaction? 3
- 4 A. Right, but as Associate Dean, I would be involved in
- 5 any hiring that was done. That's what I was -- what I was
- saying is I'm involved in absolutely every hire, I just don't
- 7 have any specific recollection of the conversations that went
- 8 on during that time.
- Q. Okay. And what I was trying to do was get beyond is
- it, there's no way in hell that you weren't involved in a hire 10
- because that's the process, or you confirm that you were a part
- of the process beyond just processing memory by looking at 12
- 13 documents.
- A. There's no way I wasn't part of the process and, yes, 14
- 15 I looked at some documents that clearly indicate I was part of
- 16
- 17 Q. Okay, thank you. Would that include the negotiation
- 18 of her salary that you participated in? Did you look at those
- 19 documents?

24

- 20 A. I didn't look at any documents related to the
- 21 negotiation of her salary but, yes, as I related to you,
- there's no doubt that I was involved in negotiating her salary. 22
- 23 Q. No, I'm just asking you did you look at those documents in preparing for your deposition today?
- 25 A. No, because I -- quite frankly I didn't find an

- Q. Ok great. So we have the topic listed on the first
  - 2 page of your notice and are you prepared to testify as UT on
  - 3 that topic?
  - A. Yes, sir, I am.
  - Q. We're going to -- I'm going to ask you questions as
  - 6 the individual first for a while then we'll move the topic
  - later in the day. I just wanted to make sure that you were on
  - 8 board for that part, okay. Let me ask you, when did you first
  - learn that there was an issue of gender bias or pregnancy bias
  - or discrimination involved in the Nikolova case or basically
  - anything related to her employment where somebody raised an
  - 12 issue of gender or pregnancy bias?
  - A. Well, I don't exactly remember the time. It would
  - 14 certainly have been in the general vicinity of when the lawsuit
  - 15 was filed.
  - 16 Q. What I'm asking for is your memory as best you can
  - 17 recall when you first saw the -- saw -- and alerted to or
  - acknowledged that there was an issue being raised of a concern,
  - and so if you can't give me a date I understand but if you can
  - give me whatever details you remember about the occurrence that
  - caused you to first become aware that there was an issue
  - related to gender or pregnancy bias for or with Dr. Nikolova.
  - 23 That would be helpful.
  - 24 MR. DOWER: Objection. Form.
  - 25 A. Well, as I said, I don't know the time. I probably

21

1 received an e-mail from either UT legal or the Dean alerting me

2 to this -- to the lawsuit.

3 Q. Okay. And just I want to make sure I'm clear. I'm

not asking when was the first time that Dr. Nikolova made a

5 legal claim or filed a lawsuit. I'm talking about any time that

6 there was a communication of concern that her gender or her

pregnancy may have been a reason why she was being treated in a

8 way that she thought was disparate to other individuals or that

9 somebody else thought was disparate to other individuals?

10 A. I have no recollection of --

MR. DOWER: Objection. Form.

12 A. When I learned any or heard any -- I have no

13 recollection of hearing anything else other than before the

14 lawsuit.

11

15 Q. Okay. Let me -- I guess let me explore what you did

16 to prepare for your deposition today. I think you said you

17 looked for e-mails and communications related to this case, is

18 that right?

19 A. Well, what I primarily did was prepared for my

20 potential testimony as a corporate representative, because

21 until a week ago, that's all I was doing. So I looked at

22 various documents related to our hiring practices, promotion

23 guidelines, our promotion checklists, modifying instructional

24 duty rules, probationary time rules, things of -- along those

25 lines, some aspects of the handbook of operating procedures

1 Q. Okay. And you understand that Dr. Nikolova also

2 provided a final arguments to the President as well as a

3 separate document. Did you ever know of that?

4 A. I can't recall knowing of it. It's not uncommon for

5 Assistant Professors to provide a final arguments document.

6 Q. But again you didn't read it or talk to anybody about

7 its contents?

8

13

23

8

A. I don't recall reading it or talking to anybody about

9 its contents.

10 Q. Okay. And then any communication from Dr. Nikolova

11 where she may have raised any concerns? You don't recall

12 getting or reading those e-mails?

A. No, I do not.

14 Q. And that would have been pre-dating the lawsuit?

15 A. No, I don't recall that.

16 Q. Okay. And do you also not recall receiving any

17 communications from persons other than Dr. Nikolova raising

18 concerns that there may be gender bias or pregnancy bias going

19 on with Dr. Nikolova?

20 A. No, I don't recall receiving e-mails.

21 Q. Okay. As a member of administration for many years,

22 do you understand you have duties to report complaints of

23 discrimination and Equal Employment Opportunity violations to

24 OIE if you observe them?

25 A. I know I have a duty to report Title IX violations.

1 related to faculty so that I was prepared to answer questions

2 that you might have along those lines.

Q. Okay. In the central UT sense, not necessarily the

4 Nikolova issues?

3

25

5 A. Correct. And then I've also looked at the timeline

6 spreadsheet that I believe the Dean put together for you just

7 to kind of get recalibrated on when things happened. And then

B I looked at -- more recently I've looked at a couple of e-mails

9 related to our promotion -- e-mails between the chair of the
 10 promotion tenure committee meeting and Ahmed Tewfik.

11 Q. Okay.

12 A. And I also looked at our faculty -- history of

13 faculty salaries.

14 Q. Okay. So and just to kind of go a little bit further

15 on when you might first have been aware of gender bias or

16 pregnancy bias related to Dr. Nikolova's concerns, do you

17 recall Dr. Nikolova raising any concerns in her appeal or

18 request for review to CCAFR?

19 A. I don't recall that. I most likely didn't read that

20 appeal because -- yeah, it didn't really affect me because I

21 ran the promotion process but that was after the promotion

22 process in the Cockrell School of Engineering.

23 Q. So you don't remember getting a copy of it or reading

24 it or talking to anybody about it at the time?

A. That's correct. I have no memory of that.

1 I'm not sure -- I don't understand that I have a duty to report

2 other things. I mean, obviously faculty members can file

3 grievances and things along those lines.

Q. Okay. So if you saw -- if somebody told you I think

5 I'm being discriminated against because of my gender, you do

6 not believe you have a duty to report that to your supervisor

7 or OIE or some other organization within UT?

A. I'm not clear that university regulations require me

to report. However, if something like that were mentioned to

10 me, yes, I would talk to the Dean about it and potentially talk

11 to Department Chairs and potentially other people to try to

12 investigate what really was going on. And, yes, eventually it

13 might end up an OIE, but typically a faculty member has to file

14 a complaint to get to OIE.

15 Q. So your understanding is before any investigation is

16 initiated, that the alleged victim would have to make a formal

17 complaint?

18 A. I understand that they can make informal complaints

19 but OIE has difficulty investigating without formal complaints.

Q. Okay. And is it also your understanding that they

21 could also start an investigation based upon a report from an22 observer that wasn't either the alleged victim or the alleged

23 perpetrator?

24 A. I must admit that I don't know what OIE's operating

25 procedures are and what they can and can't do.

25

24

Appx.0572

1 Q. Okay. Have you ever been trained on the anti-

- 2 discrimination, anti-harassment, anti-retaliation policies and
- 3 the reporting requirements for UT?
- 4 A. Yes, UT has various training through UT learn that
- 5 faculty and staff have to periodically attend. I just attended
- 6 Title IX training this past Friday.
- 7 Q. Therein your knowledge of you're a mandatory
- 8 reporter?
- 9 A. I knew it before that.
- 10 Q. Because you attended that training before?
- 11 A. I've attended different trainings before and we are
- 12 regularly reminded annually that we are mandatory reporters and
- 13 that the new state law is pretty strict in that regard.
- 14 Q. Okay. And when was the last time you received
- 15 training regarding anti-discrimination, harassment and
- 16 retaliation policy?
- 17 A. I can't remember but that be would recorded in the
- 18 University's database and you could certainly find the answer
- 19 to that.
- 20 Q. Okay. Would that be within the last two years,
- 21 three years or you're not sure?
- 22 A. I'm not sure.
- 23 Q. If it was required, you would have done it?
- 24 A. Oh, definitely, yes. I do all the required training.
- 25 Q. Have you ever -- I think you mentioned earlier when I

- 1 A. I don't recall, no.
- 2 Q. When you attended that training, was it with a group
- 3 or was it you on a computer screen?
- 4 A. No, it was in-person with a group, maybe 20, 30
- 5 people with a couple of facilitators in the front of the room.
- Q. And were you with other engineers or were you just
- 7 with a smattering of people that just happened to be -- have
- 8 their schedules clear at that particular time they were
- 9 offering that course?
- 10 A. So I had arranged in collaboration with the College
- 11 of Natural Sciences to do a training session that was focused
- 12 on faculty from engineering and natural sciences because we
- 13 have -- we're similar in the sorts of recruiting we do and the
- 14 sorts of issues that might be arise. So I would say it wasn't
- 15 exclusively for engineering and science faculty but that was
- 16 the primary focus of it. Other people could attend.
- 17 Q. Okay. And would you say it was a majority of
- 18 engineers there at the time?
- 19 A. I don't recall the split of people.
- 20 Q. What was the similar experiences between engineering
- 21 and natural sciences that caused you to put those together?
- 22 A. The nature of being an engineering faculty member and
- 23 the nature of being a faculty member in natural science are
- similar in that there's expectation for raising substantialamount of external research funding and things along those

27

- 1 was asking you about programs about minimize, eliminate gender
- 2 disparity, you mentioned implicit bias training. Did you
- 3 attend that?
- A. Yes, I've been to a number of workshops on implicit
- 5 bias training. There is the one the University recently has
- 6 made maybe within the last few years has made mandatory for
- 7 search committee chairs. I attended that. I encouraged our
- 8 Department Chairs to attend it. In fact, encouraged just
- 9 search committee members to attend but they're not mandatory
- 10 attenders.
- 11 Q. Okay. And you're not a Search Committee Chair, right,
- 12 you just attended because the Search Committee Chairs that
- 13 you're supervising and advising have to -- so you viewed it --
- 14 or you attended it to know what their experience is?
- 15 A. Yes, I wanted to see what the training was because I
- 16 wanted to understand what was being done and it seemed unfair
- 17 for me to demand that people go to a training that I'm not
- 18 willing to go to myself. A lot of things involved in that.
- 19 Bottom line it was the right thing to do.
- 20 Q. How many times have you attended that training?
- 21 A. I've attended that training once.
- 22 Q. Do you remember when?
- 23 A. Several years ago. I don't remember the exact date.
- 24 Q. All right. And do you recall if Dean Wood also
- 25 attended?

- 1 lines. Frequently we -- there's an intermixing of courses that
  - 2 both would take. So that was the primary motivation and
  - 3 searches are conducted in a similar fashion. So that's why we
  - 4 did that.
  - Q. I'm a little confused because you're talking about
  - 6 putting the two together for implicit bias training. What does
  - 7 the funding differences have have to do with implicit bias. Or
  - 8 let me ask it another way. I understood you to say that you
  - 9 put engineering together with natural sciences because of the
  - 0 potential issue related to implicit bias that both departments
  - 11 might experience in the recruiting and hiring process.
    - A. I think the motivation for doing it was because the
  - 3 recruiting practices, expectations, etcetera, are similar
  - 14 between engineering and science, and they might not be, so if
  - 15 you're doing a recruitment in fine arts.
  - 16 But it was really a way to get more people to
  - 7 go. They had scheduled an extra session, so their primary
  - 18 motivation was to make it possible for additional engineering
  - 19 faculty members to conveniently get this training which I
  - 20 thought was helpful for the goals that we had.
  - 21 Q. Are you just not wanting to answer my question or --
  - 22 because I've asked it several times now and you haven't answer
  - 23 it.

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- 24 MR. DOWER: Objection. Form.
- 25 Q. What are the similar recruiting issues between that

29

1 you viewed between engineering and natural sciences that would

- 2 be -- that would be in place that an implicit bias training
- 3 might address similarly between the two?
- 4 A. Well, I mean, the similar -- the similar issues are
- 5 if you we're looking for similar issues, the -- obviously
- 6 science faculty also have starkly had low participation of
- 7 women on their faculty so we both have shared goals of you know
- 8 increasing the number of women on the faculty. I think we both
- 9 also have shared goals of increasing under-represented
- 10 minorities on the faculty. Actually these days you could argue
- 11 that that's a more significant problem than the representation
- 12 of women on the faculties.
- 13 Q. Okay. So presumably the trainers could focus on
- 14 gender and race kind of issues to tailor for those two
- 15 departments whereas they might tailor some other issue for
- 16 other departments?
- 17 A. I suppose so. I don't know if they did anything
- 18 different than they would have done for anybody else. They
- 19 knew that the session was set up with predominantly engineering
- 20 and science faculty in the room but I don't know if that had
- 21 any impact on what they did or not.
- 22 Q. Okay. But at least the experience of the question and
- 23 answer might be shared similarly between the two departments?
- 24 A. Correct.
- 25 Q. Are you involved in -- well, are you part of the P&T

1 then --

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- (Technical difficulties. Brief pause in the
- 3 proceedings.)
- Q. So are you saying that they have their discussions,
- 5 take their vote, and then -- on all the candidates, and then
- 6 when they're finished, they call the Dean into tell her what
- the vote was?
- A. You know, I don't recall when the voting happens. I
- 9 don't know -- I can't recall if it happens before or after they
- 10 speak with her but certainly they get their collective sense of
- 11 each candidate before they -- and then they meet with her and
- 12 go over their -- their findings with respect to each case.
- 13 Q. Have you had conversations about Dr. Nikolova's
- 14 concerns of gender bias or pregnancy bias with anyone who is
- 15 not an attorney at UT?
- 16 A. Not that I can recall.
- 17 Q. Okay. So you haven't discussed Dr. Nikolova's
- 18 complaints or her lawsuit with Dean Wood?
- 19 A. Well, certainly we've discussed that there is a
- 20 lawsuit, but I haven't discussed the details of the lawsuit in
- 21 any way with her.
  - Q. Or anyone else?
- 23 A. No, no one else. I don't -- to my knowledge, no one
- 24 else at the Cockrell School -- well, obviously the Department
- 25 Chair and others involved, and maybe some others but I haven't

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- 1 committee for the college?
- 2 A. No, I am not.
- 3 Q. Okay. Do you participate in the P&T discussions of
- 4 tenure candidacy?
- 5 A. No, I do not.
- 6 Q. So when they have their discussions, you are not in
- 7 the room?
- 8 A. That's correct. The only time I am in the room is
- 9 when there's a kickoff meeting -- there's a kickoff meeting
- 10 between the Dean and the committee and I'm involved in that
- 11 because as I mentioned to you before I oversee a process but
- 12 there's no discussion of cases, the cases haven't even been
- 13 sent to the committee vet at that time.
- 14 Q. Okay. And would it be accurate that you don't
- 15 participate in the writing or creating the Dean's assessments
- 16 of the candidates?
- 17 A. That's correct.
- 18 Q. And have you -- so when the P&T committee meet, do
- 19 they meet with or without the Dean?
- 20 A. Initially without the Dean, and then -- to do their
- 21 work, and then they meet with the Dean at the end of the
- 22 process to go over their findings and recommendations on each
- 23 candidate.
- 24 Q. Okay. So what you're saying is they have their
- 25 discussions amongst themselves first and come to a vote and

- 1 discussed them with anybody.
  - Q. Have you ever been accused of gender bias or
  - 3 pregnancy bias by anyone?
  - 4 A. No.
  - 5 Q. Has the Engineering School been the focus of a
  - 6 complaint of gender discrimination or pregnancy discrimination
  - 7 other than Dr. Nikolova in your time as Associate Dean?
    - A. I recall no such complaint, no.
  - 9 Q. When I say complaint I'm not talking lawsuit, I'm
  - 10 talking anything complaint up to and including it?
  - 11 A. I can't think of any I can think of.
    - (Exhibit 55 identified.)
    - Q. All right. Let me pull up a new document. This will
  - 14 be 55. Okay. Should be on it's way.
  - 15 A. All right. That went a little more smoothly. I have
  - 16 it.

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- 17 Q. Okay. I'm still getting my stuff taken care of. So
- 18 when I pull up these documents I want you to look at them and
- 19 then let me know when you're ready to take questions on them.
- 20 A. So you're wanting me to read this whole string of
- 21 e-mails that's three pages or just...
- 22 Q. I want you to be comfortable to take questions. You
- 23 can -- you can read the whole thing right now and then say
- 24 you're ready or I can ask you questions then if you feel the
  - 5 need to read before you answer you can do it that way too it's

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1 just up to you.

- 2 A. All right. Let me just take a quick look at this.
- 3 (Brief pause in the proceedings.)
- 4 A. Okay.
- 5 Q. All right. So this is -- starts with an e-mail from
- Dr. Nikolova on January 6, 2019, and then it goes up from there
- 7 with a final e-mail from you making a comment. Do you see in
- 8 Dr. Nikolova's e-mail that she is raising a gender issue for
- 9 the department?
- 10 A. I don't see anything in there specifically related to 11 gender, no.
- 12 Q. Let's explore that. When you say specifically
- 13 related to gender, do you mean she doesn't say discrimination,
- 14 she doesn't say gender discrimination, something like that?
- 15 A. Correct, because I thought that's what you asked me
- 16 if that's what it said.
- 17 Q. The question was did Dr. Nikolova raise any gender
- 18 issues for the department in this e-mail. So it's broader than
- 19 did she complain or use the words gender discrimination.
- 20 A. I don't see that she raised any gender issues. I
- 21 think she was more generally talking about faculty members who
- 22 might come to the university with experience from else --
- 23 Assistant Professors who might come with experience from
- 24 elsewhere.
- 25 Q. And those individuals, the recent losses of three

- 1 as Exhibit 25.
- 2 A. Okay.
- 3 Q. Okay. So this is an e-mail from Sanjay to you asking
- 4 for help, additional information, and you forward that to
- 5 Professor Tewfik to respond and he responds back that he
- 6 doesn't understand and he pushes back, I guess, to your
- 7 request?

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- I agree that he pushed back on my request.
- 9 Q. And you say that in your communication with Dean
- 10 Wood, you state that you put that off as his wanting to avoid
- 11 additional work for him?
- 12 A. Well, he was resistant to revising his -- let me
- 13 provide some context here. This would have been after Ahmed
- 14 had written his letter advocating for promotion of Dr.
- 15 Nikolova, and the materials are then sitting with the Promotion
- 16 and Tenure Committee of which Dr. Shakkottai is the chair. So
- 17 from my perspective at this point we're trying -- Shakkottai is
- 18 saying that we have a potential problem, that this doesn't seem
- 19 like it's -- we could use some more justification. So
- 20 basically what I'm trying to do in this is help this case be
- 21 stronger by asking Ahmed to provide some more justification,
- 22 reasoning for why this case should be early because the
- 23 University rules do say that early cases have to be explained.
- 24 Q. Right, not justified?
- 25 A. I use those two words synonymously.

35

- 1 women, correct?
- 2 A. No. Andrea Loov and Shang Wong are male.
- 3 Q. Those are males?
- 4 A. Yeah. Only Mirian Kang of those three is a woman.
- 5 Q. Okay. And then when you talk about a female Assistant
- 6 Professor, in your e-mail, is she the only professor that came
- 7 with experience from somewhere else?
- 8 A. I'd have to check the records. You're talking about
- 9 somewhere else in EC or somewhere else in the entire Cockrell
- 10 School of Engineering?
- 11 Q. I think there's issues with ECE as she's talking
- 12 about it which I'm assuming you're responding to?
- 13 A. I'm not entirely sure that she is the only one but
- 14 it's possible, the only one in addition to Dr. Nikolova, that
- 15 is.
- 16 Q. Okay. So at this time, you're not responding -- it's
- 17 your testimony you're not responding with a female Assistant
- 18 Professor because you thought she was bringing up a gender
- 19 issue in her e-mail?
- 20 A. I was responding relative to an Assistant Professor
- 21 who had come from elsewhere and had that Assistant Professor
- 22 been male, I most likely would have written the same e-mail
- 23 because it's really about early promotion, it's not about
- 24 gender.
- 25 Q. Okay. Here's another one. This is previously marked

- 1 Q. Okay, but they're not the same word?
  - 2 A. They're not the same word but they have -- they can
  - 3 be thought of as synonyms.
  - 4 Q. And they can always be thought of as distinct, right?
  - A. I imagine so if you looked at the dictionary
  - 6 definitions they probably have some distinctness amongst then,
  - 7 yes
  - 8 Q. Did you ever go to Dr. Tewfik, Professor Tewfik and
  - 9 ask him what he meant by his e-mail instead of just assuming he
  - 10 didn't want to further justify?
  - 11 A. I don't recall what conversations I may have had with
  - 12 him. They would have been by phone if they were. My point was
  - 13 that I wanted him to strengthen his letter so that the case
  - 14 that he was advocating for would be stronger.
  - 15 Q. I understand that. What I'm asking you is what do
  - 16 you understand his point and if you don't understand what his
  - 17 point is, or you're not sure what his point was, did you ever
  - 18 ask him to clarify his point at that time?
    - A. I don't recall if I did or didn't.
  - 20 Q. This is October 2018 so this would have been before
  - 21 the P&T Committee would have decided it's vote, I mean, the V-C
  - 22 Committee decided it's vote and before the Chair would have --
  - 23 is that right or is it --
  - A. No, that's not correct. The Budget Counsel would
  - 25 have voted in late August or early September. Tewfik would

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1 then write his letter immediately after that which is what

- 2 we're actually talking about is his letter.
  - Q. Okay.

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- 4 A. The P&T Committee is deliberating so they have not
- voted yet and they're just looking at the case trying to 5
- understand both how they feel about it and how it's going to
- 7 play at the next level up.
  - Q. So did he -- did Professor Tewfik actually provide a
- different write-up or did he rest on his letter that he had 9
- 10 initially written?
- 11 A. I don't recall this whole back and forth ended up
- 12 with me telling him to talk to the Dean and I can't remember
- 13 how that played out.
- 14 Q. Okay. And looking at his e-mail do you understand his
- 15 e-mail to be saying that what he has in his e-mail is
- 16 sufficient based upon prior experience? And prior candidates?
- A. Yes, and that's what I disagree with because he --17
- 18 the University rules are clear. She was early. So there has
- to be rationale for putting a candidate up early which is 19
- sensible give gravity of the decision that the University is 20
- 21 making that being tenure which --
- 22 Q. I'm sorry, I didn't want to interrupt you. Did you
- 23 finish?
- 24 A. I'm done, yes.
- 25 Q. I don't think you understand my question or something

- A. Well, first of all, the University doesn't count
  - priors years so him just simply pointing out that these prior
  - years added up to six or more is insufficient. There has to be

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- a reason beyond the years adding up. There have to be
- accomplishments. There has to be rationale for sustainability
- moving of the research program moving forward into the future.
- 7 So that's why just counting the number of years is insufficient
- because it's an early promotion.
  - Q. And I want to be clear that we're talking about
- explaining why early not providing the whole basis for tenure.
- Are we talking about the same thing here?
- 12 A. I'm not sure I understood your question, I'm sorry.
  - Q. Oh, okay. So when a candidate goes up for tenure,
- 14 the Chair is responsible for writing up the budget counsel
- position on the matter and explaining why this candidate should
- get tenure. If the person is early, they need to also provide 16
- 17 an explanation for why now versus some time in the future, 18 right?

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- 19 A. That's mostly correct. The Department Chair is not
- obligated to take the same position as the Budget Council. They 20
- can take an opposite position so, but they do have to talk
- about what went on in the budget counsel meeting and things of
- that sort but, yes, I agree with you otherwise. Yes, they have
- to make a decision about whether they favor promotion and if
- it's not -- if it's early then they have to answer that

- 1 is not clicking here. He is saying that he has provided the
- explanation required based upon the explanations that have been
- sufficient in prior candidacy which obtain tenure for faculty 3
- 4 going up early.
- 5 A. And that's where he and I disagreed that I -- and the
- 6 committee asked him to provide more justification. My role as
- the person who runs the process is to communicate with the
- Department Chair and ask him or her to be responsive to the Committee's request. So I'm not making a judgment here other
- than the Promotion and Tenure Committee is asking for more 10
- 11 information and when that happens, I go to Department Chairs
- and ask them to provide that information. 12
- 13 Q. Did you -- so you already testified that you don't
- remember going back to Professor Tewfik and having a discussion 14
- about what he thought was sufficient or not, correct? You just 15
- 16 told him to go talk to the Dean?
- 17 A. Well, no, I think there's a few more e-mails involved
- here back and for this but, yes, at the end of the day, he and
- I were not in agreement and I recommended that he talk to the 19
- 20 Dean to resolve the matter.
- 21 Q. So could you explain in what way he is incorrect?
- 22 What evidence, what data do you have that him pointing to her
- prior years experience which put her not being early when you 23
- count the A&M years that put her at six or more years in rank,
- that that wasn't sufficient?

question. Why should the University make this decision now

- instead of waiting longer to have more evidence.
- Q. Yeah, so those -- what I'm trying to understand from
- you is those are two separate requirements that the Chair has
- to meet if the person is early?
- A. Yes, I agree with that. I mean because they could --
- first, there's no point in trying to argue an early case if
- you're going to say you don't think they should be promoted
- that's the end of the story right there you just say I think
- it's too early we shouldn't do this. 10
- 11 Q. Okay. So what I'm trying to understand is when he
- says that talking about her prior years of service is what has
- been done in other cases and he appears to mention that other
- cases being males, that that was sufficient for them to meet
- 15 the early explanation. And then when you were answering my
- question about that as to why you thought that wasn't
- sufficient, you started bringing up research and sustainability
- and funding and all of the stuff that qualifies somebody for
- 19 tenure separate and apart from the early question.
  - MR. DOWER: Objection. Form.
- 21 Q. I'm trying to understand you?
- 22 MR. DOWER: Objection. Form.
- 23 A. Well, at the end of the day, the University is making a decision about whether to grant tenure or not and the
  - accumulated accomplishments are the key ingredient that go into

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1 that decision. And the -- just counting years is insufficient

- 2 and claiming years from other institutions allowing you to not
- 3 be considered early here is not in agreement with the
- 4 University's promotion and tenure rules.
- 5 Q. Let me see if I can understand what you're saying.
- It's insufficient to just mention years to get tenure or it's
- 7 insufficient to mention years to answer the explanation for why
- now or both?
- 9 A. Years alone are not sufficient to justify either a
- 10 promotion or an early case. Now, obviously, at some point
- you're up or out. Your years are gone and a decision has to be
- 12 made but -- so obviously there's some elements of time
- 13 especially when your probationary period runs out, then that's
- 14 the end of the story in terms of accumulating more evidence.
- 15 Q. Well, the question from Dr. Shakkottai is about her
- 16 years of experience, right, the count of years and rank,
- 17
- 18 A. Yes. He points out that she's accumulated four years
- of probationary service and therefore it's an early promotion 19
- 20 by UT's rules.
- Q. Okay. And he says that additional justification, 21
- 22 which of course we know that's not right, it's additional
- 23 explanation is what he's asking for that's required is --
- clearly Professor Tewfik's letter has all the things and all
- 25 the reasons why he believes she should be promoted to tenure in

- MR. DOWER: Objection. Form.
  - 2 A. You know, again, I come back to what I told you about

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- 3 most -- I think all of the ones that you say although I'd have
- 4 to go back and look at the records for people that had
- 5 Assistant Professorships elsewhere they were all early
- promotions and their record was what caused them to be promoted
- early not the number of years that they happened to be
- Assistant Professor at the two universities combined
- Q. You're changing subjects. We're not talking about
- the decision to grant tenure right now. We're talking about
- answering the explanation for early meaning not the full six
- years at UT and all of those individuals that I named did not
- 13 have full time at UT but they answered the early question in
- 14 the justification by the Dean no less that they had prior year
- 15 experience which met or exceeded six years combined in rank
- 16 between the two institutions?
  - MR. DOWER: Objection, Form.
  - Q. Do you understand that?
- 19 A. Well. I don't know what was in those documents
- 20 because I haven't read them if ever and certainly not in a long
- 21 time so I can't really speak to what arguments were put forward
- 22 for those people to be promoted.
- Q. And I think we have your testimony that you didn't
- 24 even explore that with Dr. Tewfik as to what he means by
- 25 gender bias?

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- 1 addition to saying, hey, she's not actually early. She's not
- 2 actually accelerated. She is -- she has met the years in rank
- according to the guidelines because of her prior experience at
- A&M. That's counts for at least six years? 4
- 5 MR. DOWER: Objection. Form.
- 6 A. And that prior experience doesn't count so she's
- 7 early.
- 8 Q. It can be considered?
- A. Yes, it can be considered and I will grant you that
- most Assistant Professors run their full term. The situation 10
- 11 in which assistant -- most likely a situation for not running a
- full term is having served as an Assistant Professor at another 12
- 13 university.

24

- 14 Q. Well, Dr. Sangavi didn't go full. Russell, Baker,
- Cox, Andiwonde, Demoki, Boils, Sally, Foster, Salamone, 15
- Heidari, Okonu, none of those people did their full six years
- 17 at UT. They had prior experience at other universities and they mentioned that they had years in rank which met or
- exceeded six and therefore that was the explanation provided 19
- for them for tenure and that was sufficient for those
- 21 individuals, and Tewfik is saying, what's going on here. Why
- are you questioning the years of her in rank being six or more
- between A&M and here when I know that has worked with the 23
- males. Why is that not -- why is that a problem for you -- for Nikolova when it wasn't a problem for these other individuals?

- MR. DOWER: Objection. Form. 1
  - 2 A. I did not because to me the claim was without merit.
  - The idea was that we needed more justification for her to be --
  - for her case to be stronger so that she would be successful.
  - It wasn't about gender it was about trying to build a stronger
  - case for counting those years at A&M which is what he wanted to
  - have happen in terms of convincing the President's Committee
  - that her over all record was worthy of promotion.
  - 9 Q. You make that assumption because you never talked to 10 him, right?
  - 11 A. I told you I can't remember if I talked to him.
  - 12 Q. Okay. We have no evidence that you talked to him and
  - you say it didn't have merit but you can't tell us today that
  - you have any data or any information to analyze Professor
  - 15 Tewfik's concern for gender bias, correct?
  - 16 A. Let's see what he wrote. I don't have any evidence,
  - 17 no.
  - 18 Q. Okay. So he may have had several people that he could
  - 19 have mentioned and told you why he thought there was evidence
  - of gender bias and provided you that information so that you
  - couldn't just offhand say his concern for gender bias was without merit without actually looking at the data?
  - 23 MR. DOWER: Objection. Form.
  - A. The issue here is about years in service whether it's
  - 25 a male or a female and whether the statement that he provided

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1 was -- could have been strengthened to help her case. That's

- 2 what we were trying -- that's what I was trying to get him to
- 3 do to strengthen -- to put some more analysis into the case so
- that it would be stronger.
- 5 MR. NOTZON: Objection. Nonresponsive.
- 6 Q. The issue that I'm asking about which is the relevant
- 7 issue because this is a deposition and I'm asking the
- 8 questions is what you understood when Dr. Tewfik said gender
- 9 bias and you've told us that you don't know and you didn't --
- 10 and at least right now you can't testify that you had any
- 11 information about the details of his gender bias concern and
- 12 that's correct, right?
- 13 A. That is correct.
- 14 Q. Okay. And there's no evidence here and presumably
- 15 you're also not recalling that you in fact had a conversation
- 16 with him that went into details about why his gender bias
- 17 claims was not accurate or why he did not have a sufficient
- 18 communication. You just kicked him up to the Dean?
- 19 MR. DOWER: Objection. Form.
- 20 A. I believe there were several additional e-mail
- 21 exchanges with him before I put him forward to the Dean, but,
- 22 yes, at some point it was clear, he didn't want to change his
- 23 letter as requested by the Promotion and Tenure Committee so at
- 24 that point the Dean had to get involved and decide whether we
- 25 were going to go with a letter that he wrote or whether we --

- 1 Q. You know when somebody makes a complaint and someone
  - 2 said that it's without merit without actually looking into it
  - 3 and investigating it, I don't think that could be considered
  - 4 anything other than ignoring or running away from that
  - 5 complaint.

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- 6 MR. DOWER: Objection. Form.
  - Q. Can you characterize it differently?
  - I just don't agree with you in this case.
  - Q. Okay. Did you do anything at any time to explore
- 10 Professor Tewfik's gender bias concern or anybody's gender bias
- 11 concern about Dr. Nikolova?
- 12 A. I don't know of anybody else that had a gender bias
- 13 concern as I indicated before I was focused on improving her
- 14 case.

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- Q. Right. But before you didn't remember that there was
- 16 this e-mail from Professor Tewfik specifically calling out
- 17 gender bias that you didn't do anything about? So that's why
- 18 I'm asking the question again.
  - MR. DOWER: Objection. Form.
- 20 Q. Did you do anything?
  - MR. DOWER: Objection. Form.
- 22 A. The actions I took are documented in the e-mail
- 23 stream that is available in the case. I don't recall if I had
- 24 any conversations with him.
  - MR. NOTZON: Objection. Non-responsive.

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- 1 whether she wanted to act on the Promotion and Tenure
- 2 Committees concern and ask him to make modifications to the
- 3 letter.
- 4 Q. And in line with my prior question to you, would you
- 5 say that Professor Tewfik raised a gender bias issue related to
- 6 Dr. Nikolova?
- A. Well certainly his sentencing says I hope this
- 8 question isn't a reflection of gender biases but I don't -- and
- 9 there's raising issues and then deciding whether the issue has
- 10 merit or not.
- 11 Q. Right and there's also running away from the issues?
- 12 MR. DOWER: Objection. Form.
- 13 Q. Correct?
- 14 A. I don't see that I ran away from this issue.
- 15 Q. Well, you -- in your e-mail to Dean Wood, you don't
- 16 validate that he has a concern, you don't explore that he has a
- 17 concern in fact you just regard it as being some sort of desire
- 18 to avoid work in your communication with Dean Wood. Correct?
- 19 A. I agree that he seemed -- he did not want to change
- 20 his letter.
- 21 Q. What it certainly doesn't show is you trying to
- 22 determine or explore whether his concern was valid, fact-based,
- 23 evidence-based, anything, correct?
- 24 A. That is correct because I didn't think it had merit
- 25 and I was attempting to improve her case.

- 1 Q. Did you do anything, Dr. Speitel, to explore,
  - 2 investigator or report gender bias that was conveyed to you
  - 3 regarding Dr. Nikolova and her employment?
  - 4 MR. DOWER: Objection, Form.
  - 5 A. I took no action on this and he didn't actually say
  - 6 it was gender bias, he had just expressed a hope.
  - 7 Q. Hope springs eternal, huh?
    - MR. DOWER: Objection. Form.
  - 9 Q. Is hope going to eliminate gender disparity in
  - 10 engineering?

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- 11 MR. DOWER: Objection. Form.
- 12 Q. Dr. Speitel?
- 13 A. Actions and hope, yeah.
- MR. DOWER: Robert if this is a transition point
- 15 we've been going for about an hour and a half. Can we take a
- 16 break?
- 17 MR. NOTZON: Let me do one more exhibit, then we
- 18 can.
- 19 Q. (BY MR. NOTZON) This was previously marked as
- 20 Exhibit 24.
- 21 A. Okay.
- Q. So this is the other e-mail chain you were recalling?
- 23 A. Yes.
- Q. And she goes into more detail of saying that prior
- experience at other institutions for two male professors he

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1 specifically calls them out were sufficient to answer the

- 2 quote/unquote early issue, so he did provide you with
- 3 additional information but I still don't see you exploring his
- 4 concerns?
- 5 MR. DOWER: Objection. Form.
- 6 Q. Do you?
- 7 A. Again, this discussion was about her case not
- previous cases. I was trying to convey to him what I expected
- 9 that the concerns were going to be from the President's
- Committee based on our experience with the committee in the
- 11 recent past and I was trying to get him to recognize that these
- 12 things might be concerns so that he might address them better
- in his letter. 13

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- 14 Q. Dr. Speitel, the way discrimination works is you have
- 15 to compare the way she's treated with others so you can't just
- say this is only about her candidacy while at the same time you 16
- talk about your reference to prior experiences, he's also
- 18 trying to reference prior experiences and you're not engaging
- 19 him in what he's talking about. Do you see that?
  - MR. DOWER: Objection. Form.
- 21 A. What I see is that I'm looking at the case at hand
- 22 trying to help him make it stronger. That is what I see. The
- 23 cases that happened in the past are irrelevant to this case
- because we're trying to be successful with this case and trying
- to make a strong a case as possible for the President's

- Q. Dr. Speitel, am I pronouncing your name correctly?
- 2 A. Speitel, yes.
- 3 Q. Okay. The emphasis on the second syllable?
- A. Yes, sir.
- Q. People always screw up my name so I like to be
- 6 sensitive on other people just because, you know, why not?
  - A. Yeah, well, thanks for asking.
- Q. Yeah. Okay. So in this interchange that you're
- 9 having with Professor Tewfik in October about Dr. Nikolova's --
- his write-up and her candidacy did you view him and understand
- him to be a strong supporter of Dr. Nikolova?
- 12 A. Yes, I mean, he came down on the side of her being
- 13 promoted so I assumed that he wouldn't do that if he were not
- 14 convinced that she should be promoted.
  - Q. Right. And his advocating for her and saying that
- 16 she should be treated similarly to these guys, did you see that
- also as an indication that he was a supporter of hers?
- A. Yeah. I mean, he -- yes, I would say that that's
- 19 just another indication of his support for her, but the person
- 20 he was comparing to was Alex Dimakis and his promotion was four
- 21 years prior. There was an evolving reluctance at the
- 22 President's Committee level to make decisions on tenure before
- 23 they had to not that they wouldn't but -- you know, you can't
- 24 -- things have changed over time, we have changed since Dr.
- 25 Nikolova went up so it's not like everything is static in time.

- 1 Committee and for the Promotions and Tenure Committee.
- 2 Q. Do you agree or disagree that you do not address his
- 3 concerns about Dr. Nikolova being treated differently than male
- 4 Assistant Professors that were also early that used their prior
- years of experience to meet the years in rank question? 6
- A. What I did at that point further up in the e-mail is 7 to tell him that it was time for him to talk to do Dean to get
- clarity on this matter so I turned it over to the Dean. 8
- 9 Q. I'll take that as a yes?
  - MR. DOWER: Objection. Form.
- 11 Q. That you didn't address those issues with him, you
- 12 kicked it upstairs. Is that fair?
- 13 A. It seemed like he and I had reached impasse so it was
- no point in continuing. It was time for him and Dean to come 14
- 15 to some resolution in the matter.
- 16 Q. Before you got to an impasse, did you engage with
- Professor Tewfik at all on the issue that he was raising with 17
- you about the similarity of the treatment, the dissimilarity of
- the treatment under similar circumstances between her and the 19
- 20 two males?

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- MR. DOWER: Objection. Form.
- A. I don't recall if I had a conversation with him or 22
- 23 not obviously there's no e-mail.
- 24 Q. Okav. We can take a break now.
- 25 (A recess was taken at 3:35Â p.m.)

- 1 And quite frankly he had a very strong promotion package and as
  - 2 I noted to Ahmed there were some potential holes in her's so
  - we've got to be careful about comparing people and time, and
  - 4 differences in timeframe.
  - Q. Right, okay. You also mentioned that at the P&T
  - 6 Committee that there are notes that are taken, is that right, I
  - 7 think you mentioned that?
  - 8 A. No, I didn't mention that there were any notes taken.
  - There is no written record of their deliberations.
  - 10 Q. Okay. Is there anything provided to the P&T Committee
  - 11 to instruct them or advise them or educate them on their
  - 12 duties?
  - 13 A. Yeah, as I mentioned, we -- we being the Dean and I
  - 14 have a meeting with the committee and they get all the
  - promotion guidelines the Dean may ask them for specific
  - materials from them to help them with her letter. I think at
  - that time she may have been asking them to begin the bear bones
  - draft of the letters as their report. Let's see, what else did
  - we do. It's just something slipped my mind. Oh, I think we
  - had started it but I'm not absolutely sure. The committee
  - before they actually do any cases, they go through a case from
  - the previous year to just kind of get everybody calibrated so
  - 23 that we're trying to get consistency in evaluation things of
  - 24 that sort.
  - 25 Q. A successful case?

1 A. Yes, a successful case but maybe not a case that was

- 2 you know so over the top clear cut that there's nothing to talk
- 3 about. Something that's kind of in the middle but successful,
- 4 yes.

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- 5 Q. Okay. Kind of setting the bar like here is -- if you
- 6 beat this, you've got a good chance whereas if you talk about
- 7 somebody who is outstanding, it's hard to have a conversation?
  - A. Correct.
- 9 Q. Okay. All right. Do you recall the issue of Professor
- 10 Bloom writing a letter of recommendation for Dr. Nikolova?
- 11 A. I have -- I don't recall Professor Bloom. I do have
- 12 a vague recollection that a letter went into the President or
- 13 Provost external to the process, yes.
- 14 Q. Okay and --
- 15 A. I don't -- I wouldn't have actually recalled if it
- 16 was for Dr. Nikolova but if you're saying that it was. I knew
- 17 in one promotion case that this did happen and I wasn't
- 18 absolutely sure it was her's or not but it only happened once.
- 19 Q. Do you know the name Professor Bloom?
- 20 A. No, I don't recognize the name, no.
- 21 Q. Do you know the award, the Turing Award?
- 22 A. I've heard of it, yes.
- 23 Q. Okay. And what do you understand about that award?
- 24 A. That it's a very preeminent award in computer
- 25 science.

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- 1 quidelines?
- 2 A. I'm not certain to what extent the guidelines off the
- 3 top of my head to talk about this sort of document. Letters
- 4 generally are solicited by the Department Chair and that is the
- 5 source of letters for all promotion documents. We don't
- 6 include unsolicited letters and this was an unsolicited letter.
- 7 Q. Is it your testimony that the guidelines do not allow
- 8 for the inclusion of unsolicited letters?
- 9 A. I can't specifically say that they do or don't allow
- 10 for that --
- 11 Q. Okay.
- 12 A. We certainly -- my recollection is that letter was
- 13 not included.
- 14 Q. Okay. And your testimony is it's not part of the
- 15 normal process of having the dossier in place before the Budget
- 16 Counsel votes?
- 17 A. Correct.
- 18 Q. And we'll explore that a little bit. Do you
- 19 understand that the letter came in after the Dean had already
- 20 written her assessment and recommended against tenure and the
- 21 P&T Committee had already voted unanimously to grant tenure
- 22 when the letter had come in?
- 23 A. I have no recollection of when the letter came in
- 24 during the process. As I've said, I have a vague recollection
- 25 of it just coming but I have no idea when it came.

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- Q. Like it's hard to get higher than that?
- 2 A. Yeah, it's at that level it's my understanding but
- 3 I'm not a computer scientist so I don't want to wander too far
- 4 beyond you know a laymen's understanding of it, so to speak.
- 5 Q. If somebody said that you couldn't argue against it?
- 6 If somebody said it was the preeminent award in the world?
- A. No, I have no basis to argue against it.
  - Q. Okay. And do you recall getting involved in deciding
- 9 what to do with that letter whether or not it should be
- 10 included in the dossier or not or anything like that?
- 11 A. I have vague recollections of being involved and I
- 12 believe the letter was not included in the dossier but I can't
- 13 speak to that with absolute certainty.
- 14 Q. I guess my question, why would you be involved?
- 15 A. Because I oversee the process, of the promotion
- 16 process and so materials that get included the dossier are
- 17 specified by the University of Texas promotion guidelines so
- 18 this paticular would have come in external to the guidelines.
- 19 So the question is what should -- what do the guidelines say we
- 20 should do with it?
- 21 Q. Well, I guess I'll quibble with you. It can't be
- 22 external to the guidelines if the guidelines talk about what to
- 23 do with documents that come into the process after the Dean
- 24 makes a decision, say, right? If the guidelines actually talk
- 25 about this kind of document, it can't be outside the

- 1 Q. Well, if it came after the Dean had already made her
  - 2 recommendation and submitted her assessment, why would you
  - 3 still be involved?
  - 4 A. Presumably because the recipient somehow contacted
  - 5 me. Again, as I mentioned to you, I really don't have much
  - 6 recollection of this other than it happened.
  - 7 Q. Well, let me ask it this way. If the Dean had
  - 8 already written her assessment and is already out of the
  - 9 college and it's on it's way to the President's Committee for
  - 10 consideration, whether you were aware of the letter or not,
  - 11 wouldn't it be true that your responsibilities for the tenure
  - 12 and promotion process have been completed by that time?
  - 13 A. Yes. Once it's out of the college then it's the
  - 14 Provost office.
  - 15 Q. So you didn't have any specific responsibility to
  - 16 participate in deciding what to do or not do with the letter
  - 17 once it came in after it left the college?
  - 18 A. I would say that it's not my responsibility. You're
  - 19 correct that was not my responsibility. Perhaps I was --
  - 20 again, perhaps I was looped into provide some context or for21 the decider to figure out what they wanted to do with the
  - 22 letter.

24 25

- 23 Q. Or you just gratuitously opined?
  - MR. DOWER: Objection, Form.
  - Q. That's possible?

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1 A. I doubt it.

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- 2 Q. You would only -- you would have only commented if
- 3 you were asked for your opinion?
- 4 MR. DOWER: Objection. Form.
- 5 A. Most likely, yes.
  - Q. Okay. And at that point it would be the Provost
- 7 Office's responsibility about what to do or not do, right,
- 8 because the Provost Office are part of the President's
- 9 Committee and Ms. Shockley would be in charge of the process
- 10 stuff for the President's Committee, is that right?
- 11 A. That's my understanding, yes.
- 12 (Exhibit 56 identified.)
- 13 Q. Okay. All right. Let's go ahead and look at a
- 14 document. This will be Exhibit 56.
- 15 A. Okay.
- 16 Q. All right. So if you look at the beginning of the
- 17 chain at the bottom on the third page, that's Professor Bloom's
- 18 letter from 8 of January, 2019, and you see that as a very
- 19 positive letter, correct?
- 20 A. Yes.
- 21 Q. And you were copied on that letter, that e-mail?
- 22 A. Lagree.
- 23 Q. And Dr. Nikolova is not copied on that?
- A. I agree that seems to be the case.
- 25 Q. And March 1st comes around and Dr. Nikolova sends an

- 1 adds much to the dossier.
  - 2 Q. It certainly doesn't detract?
  - 3 A. That is correct.
  - 4 Q. And whether or not Dean Wood or the P&T Committee
  - 5 drew any negatives from the external letters, that doesn't
  - 6 change whether or not the President's Committee might do so in
  - 7 their report, correct?
  - 8 A. I can't speculate on what the President's Committee
  - 9 is or isn't going to do, I'm not part of that committee.
  - 10 Q. They're free to do what they want to do?
  - 11 A. They are, yes.
  - 12 Q. In fact, have you looked at the guidelines since you
  - 13 wrote that opinion that she would have had to have specifically
  - 14 asked for it to be included, that there is no requirement that
  - 15 she specifically asks for it to be included?
  - 16 A. Well, as I indicated to you earlier that I've
  - 17 reviewed the guidelines in preparation for this deposition.
  - 8 Q. And did you see that, that there's no requirement of
  - 19 a specific request?
  - 20 A. I did not read the part about external materials
  - 21 because I figured our discussion was going to be around
  - 22 promotion and the timing thereof.
  - 23 Q. Okay. And Dean Wood at the last e-mail communication
  - 24 says it's important for Dr. Nikolova to understand that she
- 25 didn't make a decision to not include the letter in the file

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- 1 e-mail to Ms. Shockley -- well, I guess, let's confirm.
- 2 January 8 would have been after the Dean wrote her assessment
- 3 but prior to the President making a decision?
- 4 A. I think so. Clearly there's written evidence to back
- 5 that up but I believe you're correct.
- 6 Q. Okay. And so Dr. Nikolova writes to the group that
- 7 got the e-mail to include you saying that on March 1st, she
- 8 recently found out that the letter was submitted but she
- 9 doesn't know what happened to it, correct?
- 10 A. That's correct.
- 11 Q. And then you respond 15 minutes later, the first
- 12 response without being requested for a response, with your
- 13 opinion that you don't think that it was appropriate not to
- 14 have included it in the process because Dr. Nikolova didn't
- 15 specifically ask that it be included?
- 16 MR. DOWER: Objection. Form.
- 17 A. Yes, that's what that e-mail says.
- 18 Q. Okay. And the context is correct, you weren't asked
- 19 for your opinion there?
- 20 A. That is correct.
- 21 Q. And Dean Wood also remarks three minutes later also
- 22 after the fact since she's already completed her part of the
- 23 process. I mean, clearly this is a positive letter, right?
- 24 A. It is and clearly the Dean indicated that we have had
- 25 already strong external letters so I'm not sure that it really

- 1 with a smiley face, Is that -- do you understand what the
  - 2 smiley face signifies?
  - A. I don't. You would have to ask her.
  - 4 Q. Okay. At this point she's the only one who has voted
  - 5 against -- well, I guess not at this point but the President
  - 6 would have decided not to grant tenure by March 1st but she was
  - 7 the first to recommended against tenure against Dr. Nikolova,
  - 8 right?

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- 9 A. That's my understanding, yes.
- 10 Q. Did you feel in responding so quickly and unsolicited
- 11 to this e-mail from Dr. Nikolova asking about the letter that
- 12 you had an interest in helping or protecting Dean Wood and
- 13 justifying Dean Wood's recommendation against tenure from any
- 14 contradictory evidence in support of Dr. Nikolova?
  - MR. DOWER: Objection. Form.
- A. No, I was just trying to clarify for Carmen that it
- 17 wasn't one of the reference letters that we solicited.
- 18 Q. It's not disallowed that that could have been
- 19 included, in your opinion if Dr. Nikolova would have made a
- 20 specific request, it would have been part of the file and it
- 21 would have been considered by the President's Committee,
- 22 correct?
- 23 A. Certainly supplemental materials can be added. There
- 24 are -- I'd have to look at the rules. You see, at some point
- 25 the dossier is complete and nothing else can be added to it so

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1 we'd have to look at the timing on that but, yes, I agree that

- 2 the candidate can have supplement materials -- can supply
- 3 supplemental materials and sometimes when we get additional
- information the candidate or in process the candidate does
- 5 supplemental materials because they're invited to do so.
- 6 Q. Or because one comes in late?
- 7 A. We -- the letters -- no, there are specific rules
- 8 around when reference letters are included in the dossier not
- 9 including the dossier's specific timing about that.
- 10 Q. Right, but if it didn't make it in time for that,
- 11 then it would be considered a supplemental, right?
- 12 A. Correct, it would be a supplemental letter. The
- letters have to be in before the Budget Counsel votes. If the 13
- letter comes in late, it can be put in the supplemental 14
- 15 materials.
- Q. Right. 16
- A. Because we want to have a clear record of what the 17
- Budget Counsel had available to it when it voted. 18
- Q. I'm just trying to clarify that that wouldn't be 19
- 20 restricted from inclusion.

Q. Yes, sir.

21 A. Correct.

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policy.

- Q. Okay, let me look at -- oh, let me ask a question. 22
- 23 On the teacher evaluation, could you explain why teacher
- evaluations are done so far past the period that they're being

A. You're talking about the faculty annual review

A. Well, every faculty -- I mean, this is University

5 rules. Every faculty member has to file an annual report by

the end of September for the previous fiscal year. And then

during the current fiscal year, whatever process the committee

-- whatever process the department uses, they go through an

evaluation of that faculty member's performance which usually

results in a -- in the assessment tools. They're done sometime

in this spring semester, and that assessment then feeds into

whatever merit raise conversation or poll we have. And those

decisions, depending upon whether there is or there isn't a

A. So I agree it trails behind and that's by University

Q. Okay. And isn't it accurate that as part of the

process or the protocol is that once the report is written,

A. I believe the rules state that the faculty member can

there is no appeal or changing of that assessment?

MR. DOWER: Objection, Form.

legislative year. Maybe non-legislative years are usually

April. Legislative years are usually late June to July.

Q. Like a complete year?

A. You are correct, yes.

evaluated on? Isn't it look a year-and-a-half after?

2 evaluations is that what you're asking about?

submit written documents to refute the assessment -- I mean, as

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- far as -- the only thing that comes out of the assessment are a
- ranking in one of four categories, exceed expectations, meets
- expectations, does not meet expectation or unsatisfactory.
- Also the fact that there's the usual University grievance
- procedures are available to faculty members if they have
- 7 concerns about the evaluations.
- Q. So evaluations can be grieved? I thought there was a
- 9 limitation on what could be grieved.
- 10 A. You know, I'm not an expert on that so we would have
- 11 to refer to the guidelines.
- 12 Q. Okay. But what you are aware of is that the faculty
- member has the ability to submit documents contradicting the 13
- 14 finding?
- 15 A. I think that's the case. I'd have to refresh my
- memory in looking at the annual review guidelines produced by 16
- 17
- 18 Q. But isn't it true that they can't change the
- 19 assessment?
- 20 A. That's correct.
- 21 Q. In the four categories?
- 22 A. That's correct.
- 23 Q. So if anybody wanted to look beyond, they'd have to
- go get the additional materials and then compare them but it
- won't result in a change of the rating?

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- A. That is my understanding, yes.
- Q. Which is fine if you don't have any dispute with administration but if you do, that's a way that can be used to
- negatively impact the faculty member, correct?
- 5 A. I suppose that's possible.
  - 6 Q. Could that directly leads to whether and how much of
  - 7 a raise would be obtained?
  - 8 A. The -- yes, the faculty annual evaluation is a key
  - factor in determining pay raises, yes.
  - 10 Q. All right. Let me put up another exhibit. Let me
  - ask a question. Do you recall that Dr. Nikolova asked for
- Modified Instructional Duty for the fall '19 semester?
- 13 A. You know. I'd have to look at the spreadsheet. I
- know she's had modified instructional duties but I don't recall 14
- 15 when they exactly happened but we can pull out the spreadsheet
- 16 and go through it if you like.
- 17 Q. Okay. This is going to be Exhibit 57.
- 18 A. Okay.
- 20 Q. All right. So this is Dr. Nikolova responding to
- 21 Professor Tewfik's request that she engage in mentoring during
- her MID semester in the fall of '19, correct?
- 23 A. That's correct.
- Q. And it sounds like someone from the Dean's Office had

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19 (Exhibit 57 identified.)

instructed Professor Tewfik to let her know that that is the

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1 case and was that person you?

2 MR. DOWER: Objection. Form.

- 3 A. I don't recollect who did what on this and I'm not so
- 4 sure that it wasn't his idea at the beginning anyhow. So
- 5 modified instructional duties is not maternity leave. It
- merely helps you not have the structured schedule of a -- of
- teaching a course. And so it is conceivable depending upon how
- frequently those senior design teams meet, that it would be
- 9 possible for somebody on modified instructional duties to
- 10 continue to handle that duty.
- 11 Q. Right. But apparently from her second e-mail where
- 12 she goes into details about what she's experiencing and the
- differences between her and -- is this Dr. Dimakis? 13
- 14 A. Let me see here.
- 15 Q. The reference is in Hallux.
- 16 A. Yeah, that would be Dimakis.
- 17 Q. And in response to that, Dean Wood says he has to
- back down, he being Professor Tewfik, and agreeing that she 18
- should not be asked to mentor, and then you agree with Dean
- Wood and then you say you sent Professor Tewfik an e-mail to 20
- update the discussion. What was the discussion that you and 21
- 22 him had?
- 23 A. I can't recall the specifics of the discussion but in
- the context of this, it probably was whether or not the faculty 24
- member and MID should be doing, should be handling senior

- A. I can't specifically remember whether he was
- 2 proposing that she do it or that I was proposing, asking
- 3 whether it was possible for her to do it. I just don't
- 4 remember.
- 5 Q. And this is the e-mail you referred to in Exhibit 57?
- 6 A. Yeah, that's what -- yeah, that's what I was
- 7 expecting that I would and something along the lines that we --

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- based on the information, new information that we need to
- assign somebody else so that she had other responsibilities
- other than her MID.
- 11 Q. And then you have a P.S., there of letting him know
- that he shouldn't feel the need to answer the questions that
- she asks in that long e-mail?
  - A. That's correct.
- 15 Q. And one of those questions would be who in the Dean's
- 16 Office was involved in this?
- 17 A. She says who exactly at the college made a decision
- and when and I don't know. Again, what the e-mail is telling
- you is I'm not completely convinced it wasn't his decision that
- reinforced, or whether it was my decision after a suggestion,
- after a conversation with him, but it gets back again to what
- an MID is. It's not a leave.
- 23 Q. Just to clarify my question, one of the questions
- that he would not need to answer by your suggestion to him not
- to would be who at the college --

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- 1 design advising. Obviously that was informed by the additional
- 2 information that she provided.
- Q. Okay. 3
- A. And to date she didn't do this. She did not have a
- 5 senior design --
- 6 Q. Okay.

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- 7 A. -- Information.
  - Q. I'm sorry. I keep thinking you're finished and I jump
- in on you. I apologize. All right, so I'll start now.
- So when you're updating -- you're updating the 10
- discussion of and requiring her to do the mentoring by removing 11
- that requirement? 12
- 13 A. Yeah, I can't absolutely say that's what it is but I
- assume based on just the e-mail string, yes, that that's where 14
- 15 this all went, yes.
  - (Exhibit 58 identified.)
- 17 Q. Let me put up another exhibit. This will be 58.
- 18
- 19 Q. Does this refresh your recollection that you were
- 20 involved in the decision to instruct her to mentor during the
- 21
- 22 A. Yes, I was involved with a conversation with him
- 23 about whether -- about her continuing to mentor senior design
- 24 aroup.
- 25 Q. Okay.

- A. Correct, absolutely, yep, that's true.
- 2 MR. NOTZON: Let me have a couple minutes and
- we'll be right back. 3
- 4 (A recess was taken at 4:26Â p.m.)
- 5 Q. (BY MR. NOTZON) All right, Dr. Speitel, just a few
- 6 more questions.
- 7 Did you ever discuss Dr. Nikolova's promotion
- 8 or potential promotion with Dean Wood?
- A. Gosh, I can't remember that. Probably -- I'm not
- sure if she would have been -- every year we have a regular 10
- meeting with the Department Chairs and usually in February to
- go over who might the promotion candidates be from their
- department, not that they're going to be the promotion
- candidates but who is the suite of people who might go forward
- and we just had a conversation about where we think they are.
- She provided some informal -- she and I provide some informal
- 17 feedback to the Department Chair for them to think about as the
- Budget Counsel makes it's decision, so I have no recollection
- 19 of it but it's most likely that we did have a conversation 20 about her in the year that she went up.
- 21 Q. The year before and the year that she went up?
  - A. No, the year -- well, February -- January or February
- 23 of the calendar year that she went up.
- Q. Okay. So that was in January, February, '18, and then
- 25 she gets voted on at the end of '18 and then the President

Appx.0583

70 72 1 decides in '19? 1 Taking the three Deans as a whole who I've worked for, I would 2 A. Correct. say that my general expectation is that the promotions and 3 Q. And you don't recall any of those conversations? President's Committee mostly goes with what the Dean says but 4 A. No, we have conversations with every Department Chair not always. 5 and there's probably in some cases we're probably talking about Q. Just to ask that -- a prior question just a little 50, 60 people a year. bit differently, do you recall the Dean ever deciding contrary 7 Q. Do you recall Dean Wood being initially against Dr. to a unanimous vote of the P&T Committee? Nikolova's tenure or being put up for tenure or prospect for A. No, I don't keep track of things like that. I mean, lots of times I don't even know what the vote of the P&T tenure prior to her vote or her recommendation to not give 10 Committee is 11 A. No, I have no recollection of any conversations. 11 Q. Okay. All right. Well, thank you very much. 12 Q. Do you recall having -- did you review or participate 12 MR. NOTZON: I'll pass the witness. in all of the Dean's assessment of Dr. Nikolova? 13 MR. DOWER: I know we just took -- let me confer 13 14 A. Not that I can recall. Normally I wouldn't 14 with my colleagues. I suspect we will pass but let me confirm. 15 participate in that for anyone. 15 MR. NOTZON: I don't mind. Q. Okay. Because you're not involved in that process, I 16 (A recess was taken at 4:39Â p.m.) 16 think you testified to that? 17 MR. DOWER: And the defendant will reserve. 17 A. Correct. I'm involved in orchestrating the process 18 (The proceedings concluded at 4:42 P.M.) 18 but I'm not a decision maker in the process. 19 19 20 Q. Or a participant? 20 21 A. Yes, correct, yeah. 21 Q. All right. From your years of experience in the 22 22 23 tenure promotion process, have you ever witnessed a candidate 23 get a strong Budget Counsel vote for tenure, a strong support 24 letter for tenure, a unanimous vote at the P&T Committee for 25 73 SIGNATURE AND CHANGES 1 tenure and then the Dean go against it? WITNESS NAME: JERRY SPEITEL 2 A. I can't -- obviously those data exist but I can't DATE MAY 28 2021 recall them off the top of my head. It's certainly the -- I 3 4 PAGE LINE CHANGE REASON think there are cases where the Dean made the final decision to 5 be as -- well, the Dean doesn't make the final decision. The 6 Dean's decision was negative where there was positivity along 10 Q. And from your recollection, do you recall the 8 President ever deciding differently than the Dean? A. I don't recall, but obviously that's another thing 10 11 that's in the records. We can see whether that happened or 15 12 not. I don't know. 13 Q. I just didn't know if you paid attention that, if 14 that rarely happens, usually happens, or it could go their way and you just never know what's going to happen? 15 16 A. Yeah, I don't know what the data shows. 17 Q. Okav. 18 A. To answer the question. Q. I'm just talking about engineering. 19 20 A. Oh, okay. Engineering, okay. I thought you were 21 talking about the University at large. Q. I figured I should probably specify. So just talking 22 about your Dean, you know, your boss, and your college 23 24 candidates for tenure?

25

A. My -- just to clarify I've worked for multiple Deans.

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1			SIGNATURE AND	CHANGES	
2			WITNESS NAME: JER	RY SPEITEL	
3			DATE, MAY 28	, 2021	
4	PAGE	LINE	CHANGE REA	SON	
5	6	10	Gerald E. Speitel Jr.	Full legal name	
6	8	3	C.W. Cook Professorship in Environmental Engineering	Correct endowment name	
7	9	21	Ekerdt	Spelling correction	
8	12	4	"we've also researched committees"	Check recording; can't be correct	
9	13	23	candidate. That	Fix typo	
10	14	11	Delete "the Deane"	Improve readability	
11	16	21	peoples'	Fix typo	
12	29	14	be so,	Fix typo	
13	30	5	Replace "starkly" with "historically"	Fix transcription error	
14	35	2	Andrea Alu and Zheng Wang	Spelling correction	
15	35	4	Miryung Kimg	Spelling correction	
16	35	9	Change "EC" to "ECE"	Fix transcription error	
17	35	13	"she" refers to "Hao Zhu"	Replace for clarity?	
18	_37	21	Change "V-C" to "BC"	Fix transcription error	
19	40	6	Change "moving of the" to "of the"	Improve readability	
20	41	9	Start sentence at "that's" semicolon  after "there"	Improve readability	
21	51	23	Add semicolon after "not"	Improve readability	
22	63	10	"result in a in the assessment tools"	Check recording; seems incorrect	
23	66	15	"Hallux" should be "Alex"	Fix transcription error	
24	66	25	"and" should be "on"	Improve readability	
25	67	7	"information"	Check recording; words missing here	
	68	9 "h	ad other" should be "had no other"	Seems like transcription error	

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1	SIGNATURE PAGE
2	I, JERRY SPEITEL, have read the foregoing deposition
3	and hereby affix my signature that same is true and correct,
4	except as noted on the correction page.
5	Made & Abutato
6	JERRY SPEITEL
7	JERRI SPETIEL
8	THE STATE of Texas )
9	COUNTY of)
10	Before me on this day
11	personally appeared known to me [or
12	proved to me on the oath of or through
13	(description of identity card or other
14	document)] to be the person whose name is subscribed to the
15	foregoing instrument and acknowledged to me that he/she
16	executed the same for the purposes and consideration therein
17	expressed.
18	Given under my hand and seal of office this
19	, day of, 2021.
20	
21	NOTARY PUBLIC in AND FOR
22	THE STATE of My Commission Expires:
23	
24	
25	

		75
1	COUNTY OF DALLAS )	
2	STATE OF TEXAS )	
3	REPORTER'S CERTIFICATION	
4	I, JACQUELINE LOVE-WORLINE, CSR, hereby	
5	certify that the witness was duly sworn and that this	
6	transcript is a true record of the testimony given by	
7	the witness.	
8	I further certify that I am neither	
9	counsel for, related to, nor employed by any of the	
10	parties or attorneys in the action in which this	
11	employee of any attorney of record in this cause, nor am	
12	I financially or otherwise interested in the outcome of	
13	the action.	
14	Subscribed and sworn to on this, the 22nd day of	
15	June, 2021.	
16		
17		
18	Degalnefon Worky	
19	JACQUELINE LOVE-WORLINE, CSR NO. 8970 Expiration Date: 11/30/2022	
20	Firm Registration No.: 528  FOR: INTEGRITY LEGAL SUPPORT SOLUTIONS	
21	PO Box 245 Manchaca, TX 78652	
22	Telephone: 512-320-8690	
23		
24		
25		

## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

EVDOKIA NIKOLOVA \*

Plaintiff,

\*

V. \* CASE NO. 1:19-cv-00877-RP

\*

UNIVERSITY OF TEXAS AT

AUSTIN,

Defendant. \*

ORAL VIDEOTAPED AND VIDEOCONFERENCED DEPOSITION

OF

AHMED TEWFIK,

AS BOTH ORGANIZATION REPRESENTATIVE

AND AS FACT WITNESS

Saturday, March 20, 2021

## ORAL VIDEOTAPED AND VIDEOCONFERENCED

DEPOSITION OF AHMED TEWFIK, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on Saturday,

March 20, 2021, from 10:02 a.m. to 7:10 p.m., before

Debbie D. Cunningham, CSR, in and for the State of

Texas, reported remotely via Machine Shorthand, pursuant to the Federal Rules of Civil Procedure.

--00000--

## Case 1:19-cv-00877-RP Document 38-2 Filed 09/21/21 Page 348 of 543

2	
1 APPEARANCES	1 EXHIBIT INDEX
2 3 FOR PLAINTIFF:	2 Exhibit Number Description Page 3 Exhibit 23 Sujay Sanghavi Recommendation 160
4 THE LAW OFFICE OF ROBERT NOTZON	For Change in Academic Rank/
1502 West Avenue 5 Austin, Texas 78701	4 Status 5 Exhibit 24 10/26&27/18 E-mail Chain, 195
(T) 512.474.7563	Re: Question for ECE Chair
6 By: Pohort Notzon, Eco	6 (Justify Evdokia Nikolova early
By: Robert Notzon, Esq. 7 Robert@NotzonLaw.com	promotion) 7
8 AND	Exhibit 25 10/25&26/18 E-mail Chain, 205
9 CREWS LAW FIRM, P.C. 701 Brazos, Suite 900	8 Re: Question for ECE Chair (Gender Bias)
10 Austin, Texas 78701	9
(T) 512.484.2276	Exhibit 26 CCAFR Report and Appendix 226
By: Robert W. Schmidt, Esq. (Videographer)	Exhibit 27 2/19-22/19 E-mail Chain, 229
12 schmidt@crewsfirm.com	11 Subject: P&T Decision
13 FOR DEFENDANT:	12 Exhibit 28 Stats Male/Female Promotions 232  Spreadsheet
14	13
OFFICE OF THE ATTORNEY GENERAL OF TEXAS  15 General Litigation Division	Exhibit 29 12/12&13/18 E-mail Exchange 233  14 between Evdokia Nikolova and
P.O. Box 12548, Capitol Station	Ahmed Tewfik, Subject: Rebuttal
16 Austin, Texas 78711-2548	15 Draft  16 Evhibit 30 Toxt massages between Evdekia 235
(T) 512.463.2120 17	16 Exhibit 30 Text messages between Evdokia 235 Nikolova and Ahmed Tewfik
By: Amy Hilton, Esq.	17
18 amy.hilton@oag.texas.gov AND	Exhibit 31 3/22/19 Evdokia Nikolova e-mail 238  18 to Ahmed Tewfik, Subject:
19 Benjamin Dower, Esq.	Comparison with Zoya Heidari
benjamin.dower.oag.texas.gov	19 from Petroleum Engineering 20 Exhibit 32 Plaintiff's Notice of Oral and 261
20 21	20 Exhibit 32 Plaintiff's Notice of Oral and 261 Video Deposition of Ahmed Tewfik
ALSO PRESENT:	21 As Both Organizational
22 Evdokia Nikolova	Representative and As Fact  22 Witness
23 Laura Barbour	23
Jody Hughes	24ooOoo 25
00000	
25	
3	5
1 INDEX	5 1 (Saturday, March 20, 2021, 10:02 a.m.)
1 INDEX 2 APPEARANCES 2	1 (Saturday, March 20, 2021, 10:02 a.m.) 2 PROCEEDINGS
1 INDEX 2 APPEARANCES 2 3	1 (Saturday, March 20, 2021, 10:02 a.m.) 2 PROCEEDINGS 3 THE REPORTER: Today is Saturday,
1 INDEX 2 APPEARANCES 2 3 4 EXAMINATION OF AHMED TEWFIK:	1 (Saturday, March 20, 2021, 10:02 a.m.) 2 PROCEEDINGS 3 THE REPORTER: Today is Saturday, 4 March 20, 2021. This is the videoconferenced deposition
1 INDEX 2 APPEARANCES 2 3 4 EXAMINATION OF AHMED TEWFIK: 5 BY MR. NOTZON 6	1 (Saturday, March 20, 2021, 10:02 a.m.) 2 PROCEEDINGS 3 THE REPORTER: Today is Saturday, 4 March 20, 2021. This is the videoconferenced deposition 5 of Ahmed Tewfik in the matter of Nikolova versus UT.
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1 INDEX 2 APPEARANCES 2 3 4 EXAMINATION OF AHMED TEWFIK: 5 BY MR. NOTZON 6 6 BY MS. HILTON 271 7 8 9 CHANGES AND SIGNATURE 274 10 REPORTER'S CERTIFICATION 276	1 (Saturday, March 20, 2021, 10:02 a.m.) 2 PROCEEDINGS 3 THE REPORTER: Today is Saturday, 4 March 20, 2021. This is the videoconferenced deposition 5 of Ahmed Tewfik in the matter of Nikolova versus UT. 6 Due to the COVID-19 Pandemic we are 7 remotely situated, and we are on the record at 8 10:02 a.m. Central Standard Time. 9 My name is Debbie Cunningham, and my 10 business address is P.O. Box 245, Manchaca, Texas 78652.
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- 1 guestion or answer are reserved until trial, and the
- 2 deponent would like the opportunity to review the
- 3 transcript and recording pursuant to Federal Rule of
- 4 Civil Procedure 30(e).
- 5 MR. NOTZON: Agreed.
- 6 MR. SCHMIDT: Also, just to clarify,
- 7 we've also stipulated that we will be recording the
- 8 video; and that we will not be making the announcements
- 9 of the recording stopped in between the sessions, as
- 10 required by 30(b)5, I believe; is --
- 11 MS. HILTON: Agreed.
- 12 MR. SCHMIDT: -- that correct?
- 13 MS. HILTON: Agreed.
- 14 AHED TEWFIK,
- 15 having been duly sworn, testified as follows:
- 16 EXAMINATION
- 17 BY MR. NOTZON:
- 18 Q. Good morning, Professor Tewfik.
- 19 A. Good morning.
- 20 Q. Could you state your position with the
- 21 University of Texas currently?
- 22 A. I am a Senior Professor at the University of
- 23 Texas, and I hold an Endowed Chair.
- 24 Q. And how long have you held that position?
- 25 A. I have held that position since I joined in

- 1 A. So I started in October 2010. My term was
  - 2 supposed to finish eight years later. So it's four
  - 3 years, and then it was renewed four years. Then I was
  - 4 extended a year because of a number of things that were
  - 5 happening, and then I was asked to serve a few more
  - 6 months because my successor couldn't assume the position
  - 7 on time. So I ended up serving as Chair from October
  - 8 2010 through November of 2019.
  - 9 Q. Okay. And you were replaced by Diana
  - 10 Marculescu?
  - 11 A. That's correct.
  - 12 Q. And was she already at UT, or did she come in
  - 13 from outside?

- 14 A. No, so she came from outside. She came from
- 15 Carnegie Mellon University.
- 16 Q. Okay. And what were the things that were
- 17 going on that caused you to be extended for a year?
  - A. The things that were going on, there was an
- 19 external review of the department; and the committee
- 20 lauded our accomplishments, pointed out that the
- 21 university didn't have a succession plan; and on top of
- 22 this, we were in the process of moving to a new
- 23 building. And so the combination of needing to bring
- 24 the department together and the fact that we needed a
- 25 little longer runway to get a successor is what had the

- 1 October of 2010.
- 2 Q. Where did you come from?
- 3 A. I came from the University of Minnesota.
- 4 Q. Okay. So you came as a full professor?
- 5 A. I came as a full professor with an Endowed
- 6 Chair, yes.
- 7 Q. And how long have you been a faculty member at
- 8 a university?
- 9 A. I joined the University of Minnesota in the
- 10 Fall of 1987, so you can do the math.
- 11 Q. Okay. And that was as an Assistant Professor?
- 12 A. As an Assistant Professor, correct.
- 13 Q. I get 34 years with my math. Is that your
- 14 math?
- 15 A. I didn't do the math, but I can pull out my
- 16 calculator if you want. I'm happy to.
- 17 Q. That's okay. I didn't know if you were
- 18 testing my math.
- 19 Okay. And during your time at UT since
- 20 2010, have you held any administrative positions other
- 21 than the Chair of ECE?
- 22 A. No, the only administrative position I held
- 23 was Chair of ECE.
- 24 Q. Okay. And how many years, or when you started
- 25 and when you stopped, whichever is easier for you?

- 1 Provost ask me whether I would agree to serve an
  - 2 additional vear.
  - Q. Okay. And this litigation was not one of the
  - 4 factors involved in that?
  - 5 A. Well, this extension happened before
  - 6 Professor Nikolova was going up for tenure and promotion
  - 7 so. Yes, it did not factor in because this was not
  - 8 anything that anybody could have guessed.
  - 9 Q. Okay. And when you got extended for another
  - 10 four years as a Chair, is that a common practice?
  - 11 A. No. There's a review process; and after the
  - 12 review process, then the Dean can decide to extend the
  - 13 person or not. So in my case there was a review
  - 14 process. There was a committee formed that gathered
  - 15 feedback from faculty, staff, and students. They
  - 16 submitted their recommendation to the Dean and Dean
  - 17 decided to extend me and I agreed to serve four more
  - 18 years.
  - 19 Q. Okav. And the Dean at that time was
  - 20 Dr. Fenves?
  - 21 A. No. The Dean at that time was Dean Wood. I
  - 22 don't recall whether this was the year that she was an
  - 23 interim Dean or whether she had already been appointed
  - 24 as permanent Dean.
  - 25 Q. Right. Okay. Because it would have occurred

1 around the 2014 time period?

- 2 A. Yeah.
- 3 Q. Okay. So during your eight years as the Chair
- 4 of the ECE, did you have a particular focus -- well,
- 5 let's start with: Did you have an awareness that there
- was a dirth of female faculty in your department?
- MS. HILTON: Objection, form.
- 8 A. Yes, when I came into the department, I did
- 9 note that we had a very small number of female faculty
- 10 members; and I actively worked on reversing that and
- 11 also increasing the number of female students in the
- 12 department.

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- 13 Q. (BY MR. NOTZON) Okay. And while you were at
- 14 Minnesota, did you have more or less female faculty in
- 15 the department?
- 16 A. I honestly don't remember, but we didn't have
- 17 that many faculty members. We may have had maybe one or
- 18 two; but this was so long ago that I -- I mean, I don't
- 19 know how to even check it because if I went to the
- 20 website, the faculty in the department are different
- 21 from the composition we had back then. But the numbers
- 22 were small -- were extremely small back then, and had
- 23 trouble recruiting female faculty members.
- 24 Q. Would you say as was the case across the
- 25 country?

- 1 members, therefore, you're a top ten department. The
  - 2 reason I focused on that is because I fundamentally
  - 3 believe that having diversity in your staff, you know,
  - 4 on your team, leads to innovation. It leads to people
  - 5 being able to see around the corners. It leads to
  - 6 people recognizing issues that, you know, perhaps some
  - 7 fractions of the populations are experiencing. So it's
  - 8 a good thing to have. It's not just the right thing to
  - 9 do. It is a good thing to have if you want to enhance
  - 10 the reputation of the department.
  - 11 But, from that perspective, increasing
  - 2 the number of female faculty on staff meant that the
  - 13 overall output of the department, the quality of the
  - 14 innovation that was going to come from the department, I
  - 15 expected it to be higher; and that's what has transpired
  - 16 since then.
  - 17 Q. And is this a belief and attitude that you had
  - 18 coming in, or was this something that UT imparted to
  - 19 you?
  - 20 A. This was a belief that I had coming in. It
  - 21 may have factored in the selection process why they
  - 22 selected me as opposed to someone else, but UT has also
  - 23 been extremely supportive. So, for example, when I
  - 24 asked to have training for our faculty, UT obligated and
  - 25 provided me with the right people to do the training.

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- 1 MS. HILTON: Objection, form.
- 2 A. As was the case across the country, ves. The
- 3 number of -- the percentage of female Ph.D.s and
- 4 graduates was low. So there is a lot of competition for
- 5 getting the top female faculty candidates across all
- 6 departments.
- 7 Q (BY MR. NOTZON) And did any -- were you
- 8 tasked with increasing the female faculty as part of the
- 9 recruitment and hiring process, or is this something you
- 10 did on your own?
- 11 A. I was tasked to take a high-rank department to
- 12 the next level; and so there were a number of things
- 13 that when I came in. I had to do. This was one of them.
- 14 recognizing the composition of the faculty. And this
- 15 was one of the tasks that I focused on, but there were a
- 16 number of things. I mean, I wasn't given a
- 17 prescriptive, do A, B, C, D. I was just given the task
- 18 of increasing the reputation and effectiveness of the
- 19 department.
- 20 Q. Okay. And one of the factors in the
- 21 reputation of the department would be the number of
- 22 female faculty on staff that were qualified and quality?
- A. It's not a factor that -- you know, people are
- 24 not going to look at how many female faculty members and
  - 5 says: Well, if you have a large number of faculty

- 1 When I asked for extra positions for -- to increase the
  - 2 diversity on our faculty, I was given a position; and
  - 3 that's actually the position that Dr. Nikolova
  - 4 ultimately was recruited for. So UT did whatever it
  - 5 could. Whenever I asked for something, I got it when it
  - 6 had to do with increasing diversity.
  - 7 Q. What training did you ask for and get?
  - 8 A. The training that I asked for was to -- there
  - 9 were several training sessions that we did over the
  - 10 years. So, you know, one of the first sessions we --
  - 11 I -- there was a -- I think, a vice president -- you
  - 12 know, some -- someone in administration that was in
  - 13 charge of diversity and had the right training. So I
  - 14 worked with that person. We brought in that person and
  - 15 others on her staff and another person that she works
  - 16 with who's an expert in this who wasn't necessarily on
  - 17 our staff.
  - 18 We provided the faculty with training
  - 19 material that they had to do ahead of the training. We
  - 20 brought in the trainers in the -- in one of our faculty
  - 21 meetings, one of our Monday faculty meetings. There
  - 2 were discussions that the faculty had to engage in.
  - 23 We had observers that observed, you know,
  - 24 how people were reacting, who was saying what; and then
  - 25 there were subsequent interventions, such as taking

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- 1 people to small lunches and, you know, address some of
- 2 these issues to move people along. And that has
- 3 continued.
- 4 So I think the last training session we
- 5 had, you know, may have had been in the Fall of '19 or
- 6 the Spring of '19 -- I can't remember -- but, you know,
- 7 we continued to have training sessions along those
- 8 lines. There were training sessions that were
- 9 specifically aimed at faculty who were on our faculty
- 10 recruiting committees. So there are a number of
- 11 training sessions.
- 12 Q. So it included hiring -- recruiting and hiring
- 13 and retention issues, as well as interpersonal
- 14 interactions among the faculty and interactions between
- 15 faculty and students, et cetera?
- 16 A. Yes, it was all encompassing.
- 17 Q. Okay. And just to clarify, not in a single
- 18 training; but there were multiple trainings that covered
- 19 all the bases?
- 20 A. Correct, there were multiple trainings over a
- 21 number of years.
- 22 Q. And is there a documentation of those
- 23 trainings that were provided and when they were provided
- 24 during the time you were Chair?
- 25 A. I presume that if we search my e-mails, we

- 1 a particular part of UT; or did you obtain trainers from
  - 2 disparate areas?
  - A. I can't answer that question because I went to
  - 4 a particular person, and that particular person then
  - 5 drew the right experts from multiple parts of UT. And
  - 6 as I mentioned, there was, at least in the first
  - 7 training, one person that didn't seem to be at UT
  - 8 because I remember that we were contacting her. I can't
  - 9 remember. She might have been in Dallas or somewhere
  - 10 else. So every training, I contacted a single person;
  - 11 but I wasn't in charge of, you know, bringing the right
  - 12 people to the table. They were in charge of doing this.
    - Q. Who was that single person?
  - 14 A. I mean, in the -- in the last few years that
  - 15 single person might have been the head of our Title IX
  - 16 program. At the very beginning it was -- I don't
  - 17 remember her exact title, but it might have been Vice
  - 18 President for Diversity or Associate Vice President for
  - 19 Diversity and Inclusion, you know, something along those
  - 20 lines. I don't -- you know, those titles have changed
  - 21 over time.

13

- 22 Q. Okay. So when you say you went to a single
- 23 person, you always went to a single person; but that
- 24 single person changed over time?
- 25 A. Yes, that single person changed over time

15

- 1 will find the announcements, you know. You might find
- 2 the links to the material that was provided, you know,
- 3 So the answer is, yes; but someone would have to go in
- 4 and look for this information in the e-mails that
- 5 announced what was happening in a particular faculty
- 6 meeting or that was addressed to a particular recruiting
- 7 committee and asking them to take training.
- 8 In addition, at some point in time, the
- 9 rest -- and I can't remember whether it was the college
- 10 first or the university first -- where the training that
- 11 we were giving to recruiting faculty -- sorry --
- 12 recruiting committees became mandatory across the whole
- 13 university. So if you looked at, also, the university,
- 14 I'm sure that somewhere on the Clovis site, you know,
- 15 you'll find the requirement and when it became
- 16 effective.
- 17 Q. Okay. And so you're saying you started doing
- 18 training on diversity and these issues prior to the
- 19 university making it mandatory that the hiring committee
- 20 be trained in that way?
- 21 A. That's correct.
- 22 Q. Okay. And all the training that you received,
- 23 would you -- and you may have said this, and I
- 24 apologize. So it may be replowing ground, but were
- 25 they -- all the trainers and the training provided from

1 because the focus of the activity within the university

- 2 moved as -- you know, as upper administration reworked
- 3 certain functions.
- 4 Q. Were that -- were those single people,
- 5 persons, always from OIE?
- 6 A. So I'm sorry, but I don't know what the
- 7 acronym stands for.
  - Q. Office --

8

- 9 A. Even if I -- okay. Go ahead.
- 10 Q. Office of Inclusion and Equity.
- 11 A. Well, so the first person I contacted the
- 12 first time we had the training, as I said, that person
- 13 had a title of something relative to diversity and
- 14 inclusion or maybe equity. What the exact title was, I
- 15 don't remember; but, subsequently, in following years,
- 16 you know, I may have gone to the same office and would
- 17 have been told: Well, why don't you work with the
- 18 Title IX -- you know, I would have to go back and look
- 19 at my notes.
- 20 Q. Okav
- 21 A. Not my notes, my e-mails or something. I
- 22 didn't take notes on that.
- 23 Q. Right. Somewhere in your records?
- A. Somewhere in the records, yes.
- 25 Q. Okay. And do you have a -- well, let me just

17

1 ask: How many women were hired during the time that you

- 2 were Chair, women faculty; and how many remained at the
- time that you ended your Chairship?
- 4 A. Okay. So when I came in, let me try to think
- 5 who was there.
- 6 Q. And if I didn't say it, I meant female
- 7 faculty.

8

- A. I understand.
- 9 I believe, but I'd have to go back and
- 10 look at the exact roster, that when I came in, we had
- four faculty members. And I would have to go through
- 12 the website to count them now; but my guess is that
- 13 today we have roughly double, if not more, that number
- 14 faculty members. During that process, during my tenure
- 15 one of the original four left; and of the ones that I
- recruited, at this point, all of them seem to be on our 16
- 17
- 18 Q. Okay. All the female faculty that have been
- 19 hired since you've been the Chair are still faculty at
- 20
- 21 A. I believe that that's correct.
- 22 Q. Okay. And I'm not trying to "gotcha" or
- anything, but I think I know that some female faculty
- members have left. Is it just the one that left that
- had been here before you got here?

- 1 vote level?
  - 2 A. She withdrew it somewhere between the time
  - 3 that the department was done with the case and before
  - 4 the college got a chance to officially vote on the case.
  - Q. Right. And was she up early?
    - A. I honestly don't recall. I presume that she
  - 7 may have been up early because if she wasn't up early,
  - we probably would not have been able to withdraw her
  - 9 case. We would have been forced to go with the whole

  - 11 Q. Because it would be her one and only chance to 12 go up?
  - 13
  - A. That's correct. So I'm making an assumption,
  - 14 but it's probably correct.
  - 15 Q. Is your assumption also that -- well, no.
  - 16 I'll leave it.
  - 17 Okay. Do you recall -- so I understand
  - 18 there's a two-step process at the department level
  - 19 where, in the academic year prior to submitting the
  - 20 dossier for promotion, that there's a Budget Council
  - 21 vote as to whether or not the faculty member should be
  - put up for promotion; is that correct?
  - 23 A. That's correct. The Budget Council -- again,
  - 24 that's sort of my understanding -- is the only body
  - 25 within UT that can decide whether we can put someone

19

- A. That's my recollection. When I arrived --
- 2 when I arrived, there were four female faculty members.
- The only one that left was Professor Miryung Kim.
- 4 Q. Okay.
- 5 A. I don't recall any other female faculty member
- 6 leaving; and, you know, if my memory's failing me,
- 7 please correct me.
- 8 Q. No, I'm just asking.
- 9 Okay. So -- and Professor Kim, she was
- an Assistant Professor, not tenured? 10
- 11 A. That's correct.
- 12 Q. And she went up for tenure, but received a
- 13 negative vote; is that right?
- 14 A. No, that's not correct. She went up for
- tenure. The vote that she received was viewed as 15
- potentially weak by the Dean, the then Dean, an
- Associate Dean; and then they relayed the information to 17
- us. And then we huddled back and discussed it and she 18
- decided to withdraw the case. 19
- 20 Q. Okay. And the weak vote was at the Budget
- 21 Council level?
- 22 A. Yes, the weak vote was at the Budget Council
- 23 level.
- 24 Q. Okav. So Professor -- or Dr. Kim withdrew her
- candidacy at that point, and it didn't go to the college

- 1 forward for promotion or not, the exception being that
  - 2 if that person is in their up-or-out year, then even if
  - 3 the Budget Council votes not to put that person for
  - 4 promotion, we will still go ahead and put that person
  - 5 for promotion.
  - 6 Q. Okay. And so the first vote for Dr. Kim, I
  - 7 understand from prior testimony, or -- well, I
  - understand that the Budget Council vote was strong --
  - strong in support of her candidacy for Step 1 before it
  - became a weak vote in support of her promotion at
  - 11 Step 2. Is that your memory?
  - 12 A. I have no recollection of the votes, what they
  - 13 were. I have a recollection of, you know, what happened
  - 14 in the second vote and the result of what happened, I
  - mean, the result of the weak vote; but I have absolutely
  - no recollection of the first vote. And I would have to
  - 17 go back and try to find the exact vote and the record
  - 18 that we have of that vote to be able to answer your
  - 19 question.
  - 20 Q. Okay. And did you ever advise her one way or
  - 21 the other as to whether or not she should go forward
  - prior to the Step 1, I guess?
  - 23 A. I was a strong supporter of Dr. Kim and we
  - 24 stayed in touch after she left and then she kept -- you
  - know, she kept me abreast of all her developments. So I

21

1 was a great fan of her and of her work and I don't

- 2 recall exactly what I may or may not have said given;
- 3 but given that I was a great fan of her -- of hers, I
- presume that I did encourage her to go forward when she
- 5
- 6 Q. Would it be accurate to say that no matter how 7 much of a fan you are of a faculty member, you would not
- advise them to go up if you felt that their chances were
- weak? 9
- 10 A. When we're going up for true early cases --
- 11 true early cases are when you go up for tenure and you
- 12 count the number of years that you have served in rank
- 13 at any institution, it's lower than what the expectation
- is. Then, you know, if we're doing something like that, 14
- 15 then at that point, I am not a risk taker. I mean, we
- take educated risks. So I would make sure that the case 16
- that would go up would be an extremely strong case and
- that no one would be able to poke a hole into this 18
- 19 particular case.
- 20 Q. Because, as you understand it, if a case is
- 21 early, true early, like you said, that it is put to a
- higher bar than someone who is not true early? 22
- 23 A. Different people have different perspectives
- on the bar issue. I am one who, my perspective on this,
- which may not be the perspective of the rest of my

- 1 Q. Okay. Because we are talking about UT?
  - 2 A. Yeah.
  - Q. Okay. And you've actually seen that -- what
  - you just explained about true early and meeting the
  - six-year requirement, you've seen that put in play over
  - the years that you were the Chair since 2010, correct?
  - A Correct

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- Q. Have you -- have you seen anyone other than
- Dr. Nikolova be placed at the higher bar, even though
- she wasn't true early?
  - MS. HILTON: Objection, form.
- 12 A. I don't believe that Professor Nikolova was
- 13 put at a higher bar than others in this particular case.
- 14 Q. (BY MR. NOTZON) So you believe she was
- 15 assessed in her tenure process at the same tenure
- promotion qualification bar as someone that had done all 16
- 17 six years at UT?
- 18 A. That's my belief. Others may disagree; but
- that's my belief based on all the documents that I've
- 20 seen from her case and based on the discussions with
- 21 some people, you know, the people that I had a chance to
- 22 talk to.
- 23 Q. Okay. And who are those people?
- A. Those people would be my colleagues and would 24

23

- know, or anyone above the department that is involved in
- 1 colleagues, may not be the perspective of the Dean, you
- that decision, my own perspective is that the bar is the
- bar, that the bar doesn't change. 4
- 5 However, I think there is near unanimous
- 6 consent or agreement -- not consent -- agreement that if
- someone is put up for promotion early, true early, then,
- this is like giving that person an award; and you don't
- get an award for just meeting the bar. So you get an
- 10 award for far exceeding the bar, the same way that you
- 11 get an award, you know, a professional award because you
- far exceed expectations. So that's the way we have 12
- looked at it: and at least that part, no one disagrees 13
- 14 on that aspect of early promotion.
- Q. Okay. And just to be clear, the expected time 15
- period that you referenced before -- you didn't put a
- number on it -- but I believe that's six years, correct? 17
- A. For UT it's six years. At different 18
- 19 universities it's different numbers.
- 20 Q. Okay. And -- but when you were talking about
- 21 that and you were talking about the expected time period
- 22 at UT and the prior institutions, the number that you
- know to exist is six years? 23
- 24 A. Right, that's the number that we use within
- 25 UT; and that's the number I was referring to.

- Q. Okay. And the Dean -- other people in the
  - Dean's Office?
  - A. Other people in the Dean's Office aren't
  - involved in the decision, so I wouldn't -- I mean, they
  - wouldn't opine on this and I wouldn't seek their views
  - on what was and, you know, what their impressions were.
  - Q. They wouldn't opine, or you wouldn't give it
  - much credence?
  - A. No, they wouldn't opine because this is not
  - their job. They're not involved in it. So, no, the
  - promotion process is very well documented. The case
  - after the department goes to the college. In the
  - 13 college there is a committee that looks at it. It's
  - 14 made up of professors drawn from all the departments in
  - 15 the college. They are the ones who make the initial
  - decision -- or recommendation, not decision. That
  - committee is sworn to secrecy. So I have no clue, no 17

  - 18 inkling what went into their discussions.
  - 19 And then the next step is the Dean, and
  - the Dean is someone I spoke with about this case. And
  - my assessment from the discussions with her is that she
  - really used -- you know, regardless of what she wrote in
  - her letter, that, in fact, she was applying the same
  - standard that she would have applied otherwise.
    - The committee that goes after that, the

25

1 Presidential Committee, in this particular case I had no

- 2 particular interaction with that committee. There are
- 3 cases where I may be called to speak with that committee
- 4 and then I have a sense of where they stand, but in this
- 4 and then make a sense of where they stand, but in this
- 5 case I didn't. And so I have no clue what transpired in
- 6 their deliberations or what they were thinking.
- 7 Q. Okay. Whether you talked to the P&T Committee
- 8 at the college level or not, you know what their vote
- 9 was, correct?
- A. I know what their vote was, but I also know
- 11 that --
- 12 Q. I'm just asking one question at a time.
- 13 A. Okay.
- 14 Q. Okay? Because I'm going to follow up. All
- 15 right?
- 16 So you know what their vote was you said?
- 17 Yes, right?
- 18 A. Right.
- 19 Q. Okay. And you also know what the P&T
- 20 Committee's vote was on prior candidates that have gone
- 21 up from your department, correct?
- 22 A. Correct, but that's meaningless because the
- 23 committee differs from year to year.
- 24 Q. Okay. You still have expectations, don't you?
- 25 MS. HILTON: Objection, form.

- 26 1 A. The President's Committee stays with the same
  - 2 composition, normally, for a number of years because
  - 3 it's made of the President, the Provost, the Vice
  - 4 President of Research, the Dean of undergraduate school,
  - 5 and the Dean of the graduate school; and these positions
  - 6 don't change from year to year. They will change over
  - 7 time, but they're not going to change from year to year.
  - 8 Q. Okay. And the P&T Committee changes every
  - 9 year?
  - 10 A. The P&T Committee changes. I don't know
  - 11 exactly how it changes. I haven't kept track of that.
  - 12 Normally, people from our department serving on it
  - 13 would serve for two years, so I would presume that
  - 14 maybe roughly half of it would change from year to year.
  - 15 Q. Okay. And so there is at least some
  - 16 portion -- you're estimating half -- that remain from
  - 17 the prior committees, so that there's a running,
  - 18 historical reference that would exist in the committee?
  - 19 A. Half of the committee will remain on the
  - 20 committee; but as I'm sure you're aware of, once you
  - 21 have a new committee, even if half of it remains from
  - 22 the previous year, there's a new dynamic. And depending
  - 23 on who you're getting on the committee, how vocal they
  - 24 are, et cetera, things change.
  - 25 Q. And, also, things -- institutional memory on

27

- A. In what sense? I mean, can you clarify what
- 2 you mean by this?
- 3 Q (BY MR. NOTZON) Sure. I believe you said you
- 4 make educated guesses. You don't take all-out risks.
- 5 You make educated guesses based upon the prior
- 6 performance of the candidates that you've sent through,
- 7 correct?
- 8 A. I make these educated guesses. I don't
- 9 optimize these guesses on what I expect that particular
- 10 committee to do, vote, or say, or what they actually may
- 11 put in the first draft of the Dean's letter. I optimize
- 12 on my understanding of what the Presidential Committee
- 13 will or will not do.
- 14 Q. Because that doesn't change?
- 15 A. Because that committee is the committee that
- 16 ultimately makes the decision. If we all said "no," the
- 17 Presidential Committee could say, "Yes, promote." And
- 18 if we all say, "Yes," the Presidential Committee could
- still say, "No." They are the ultimate decision makers.Q. Could you answer my question, though?
- 21 A. I thought that I answered your question. So
- 22 if I didn't, then I misunderstood your question. So if
- 23 you can clarify, that would be great.
- 24 Q. Yes, sir. The question is: Does the
- 25 President's Committee change?

1 those people that stay would be there to assist the

- 2 committee in their deliberations?
- 3 MS. HILTON: Objection, form.
- 4 A. Committees are made of human beings. Human
- 5 beings react differently to different human beings. So
- 6 even if in principal what you're saying might be the
- 7 goal for keeping half of the committee unchanged,
- 8 there's no guarantee that this would happen.
- 9 Q. (BY MR. NOTZON) Right. But it does exist in
- 10 the committee, correct?
- 11 MS. HILTON: Objection, form.
- 12 A. The only thing that exists in the committee
- 13 that I can, you know, take into account is the fact that
- 14 half of the committee hasn't changed. Anything beyond
- 15 that would be speculation on my part and, you know, I'm
- 16 not in that business.
- 17 Q. (BY MR. NOTZON) I don't mean to quibble with
- 8 you about it too much; but if half remained -- if your
- 19 estimate's correct, some portion, half -- you don't have
- 20 to guess that they have an institutional memory that
- 21 they retained, do you?
- 22 MS. HILTON: Objection. Objection, form.
- 23 A. What do you mean by "institutional memory"?
- 24 Q. (BY MR. NOTZON) Their own memory of what
- 25 happened in their prior existence.

29

- 1 A. They have their own memory, but then there is
- 2 the other half of the committee. The cases are not
- 3 identical. Each case is different. The dynamic within
- 4 the committee is going to be different. This has
- 5 nothing to do with the Promotion and Tenure Committee.
- 6 Any committee that you may have served on behaves that
- 7 way. I've seen it in all sorts of committees. I've
- 8 seen it within the P&T. We are human beings. The fact
- 9 that you remember what you did last year doesn't mean
- 10 that -- you know, that the committee will necessarily
- 11 anchor on what you did last year.
- 12 MR. NOTZON: Objection, nonresponsive.
- 13 Q. (BY MR. NOTZON) I'll leave it, but -- because
- 14 I didn't ask all that. But that's all right. If you
- 15 don't want to answer my question, then I'll move on.
- 16 Did Professor Kim, before she left -- I
- 17 mean, Dr. Kim, before she left, did she communicate to
- 18 you that she had any complaints in the way she was
- 19 treated by anyone on the faculty at UT?
- 20 A. Yes, she did.
- 21 Q. And which faculty member did she complain
- 22 about?
- A. Professor Yale Patt.
- 24 Q. And did that complaint involve her gender at
- 25 all?

- 1 A. I don't remember. I'd have to go back to
  - 2 the -- you know, the feedback that you collect with the
  - 3 votes.

30

- 4 Q. And did professor -- did Dr. Kim complain
- 5 directly to you, or did you just learn of her complaint?
  - A. No, she complained directly to me; and I had
- 7 sort of the same view of the state of affairs as she
- 8 did.

15

- 9 Q. That Professor Patt was engaging in some sort
- 10 of misconduct?
- 11 A. That Professor Patt was, yeah, engaged in
- 12 inappropriate conduct; and I asked Professor Patt to
- 13 stop communicating with Professor Kim.
- 14 Q. And that was the end of it?
  - That was the end of it, yes.
- 16 Q. So neither you nor Dr. Kim reported Dr. Kim's
- 17 complaint about Professor Patt to any --
- 18 A. No, that was reported to the Dean.
- 19 Q. Okay
- 20 A. So it went up the chain. So everybody was
- 21 aware of this, and Professor Patt was disciplined
- 22 several times during that time period.
- 23 Q. Okay. Was there an investigation conducted?
- 24 A. There were investigations that were conducted,
- 25 yes, at different times with Professor Patt during that

- A. Yes. Professor Yale Patt had a long history
- 2 of what I would call gender-related complaints.
  - Q. Gender/sexual?
- 4 A. I am not aware of the sexual part, but I'm
- 5 aware of the gender ones.
- 6 Q. Okay. So treating women differently than men?
- 7 A. Correct, treating women differently than men
- 8 and beyond that.
- 9 Q. What's the "beyond that" part?
- 10 A. The "beyond that" part is making comments that
- 11 are inappropriate, you know, things of that nature.
- 12 Q. Okay. Sexual comments?
- 13 A. Again, I'm not aware -- and maybe at some
- 14 point something came to my attention that I don't
- 15 remember right now; but the ones that I remember were
- 16 demeaning comments that he made, not of a sexual nature.
- 17 Q. Okay. And Dr. Kim's complaint about
- 18 Professor Patt, were they just comment related; or was
- 19 it something more?
- 20 A. They were related to the way he behaved with
- 21 her after the vote, and I presume that -- and this is
- 22 just an assumption -- that someone may have relayed to
- 23 her potential comments that he might have made during
- 24 the deliberations.
- 25 Q. Can you be more specific other than that?

1 timeframe.

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- Q. All right. And Dr. Kim left after she
- 3 withdrew her candidacy; is that correct?
- A. That's correct.
- 5 Q. How long after she withdrew the candidacy did
- 6 she leave?

13

- A. I'd have to go back and look at that exactly
- 8 what happened when. My best recollection -- and my
- 9 recollection may be incorrect -- was that she would have
- 10 left the year after. So instead of going up for
- 11 promotion the year after, she then went to UCLA.
- 12 Q. Okay. So she finished out that academic year?
  - A. That's correct.
- 14 Q. Okay. Because she would have withdrawn her
- 15 candidacy in the fall semester, correct?
- 16 A. That's correct.
- 17 Q. And have you kept up with Dr. Kim? I think --
- 18 I thought you said -- did she make tenure at UCLA?
- 19 A. Yes, she made tenure at UCLA. And for -- I
- 20 mean, in the last few years I haven't been in touch with
- 21 her; but for a number of years, she kept me abreast of
- 22 her accomplishments, et cetera, so we were in touch.
- 23 Q. Okay. Who was the first faculty -- female
- 24 faculty member that you hired as Chair?
- 25 A. That I hired as Chair? What do you mean by

34

1 that?

- 2 Q. After you became Chair, who was the first
- 3 female faculty member that was hired by the University
- 4 of Texas in your department as a subordinate to you?
- 5 A. As a subordinate, well, all the faculty
- 6 members that were hired were reporting to me. So if
- 7 that's what you mean by "subordinate," then they were
- 8 subordinate to me.
- 9 Q. You didn't hear my question. Let me try it
- 10 again. After you became Chair, who was the first female
- 11 faculty member that was hired by the University of Texas
- 12 to work in your department, ECE, as your subordinate?
  - A. I'm not getting what you mean by
- 14 "subordinate." Do you mean somebody on the management
- 15 side of the department, or do you mean a faculty member?
- 16 Q. A faculty member, Assistant Professor or
- 17 higher.

13

- 18 A. There are a number of female faculty members
- 19 that were hired. I don't know -- I mean,
- 20 Professor Nikolova may have been the first one. Again,
- 21 I'd have to go back and look.
- 22 Q. Okay. You don't know?
- 23 A. I don't remember. Not, I don't know; I don't
- 24 remember.
- 25 Q. If that's your answer, that's fine. Okay? I

- 1 A. There was another Kim.
- 2 Q. Oh.
- 3 A. You know, there are many Smiths and many --
- 4 you know, I don't know -- you know, many people that
- 5 have your last name. There are many people who have the
- 6 last name Kim as well.
- 7 Q. Right. I understand. So there's a new
- 8 Professor Kim, female Professor Kim?
  - A. There is a new female faculty member, Kim; and
- 10 there may be others. I mean, I -- you know, it's been a
- 11 while since -- I am not in department. I'm on leave, so
- 12 it's not like I see them every day. I mean, I've been
- 13 away for a while. So I don't -- I really would have to
- 14 go back to the website to count.
- 15 Q. Okay. So I didn't realize you were on leave.
- 16 So when did you go on leave?
- 17 A. Normally, when you finish an administrative
- 18 stent, you are allowed to take a sabbatical; and that is
- 19 what I am on. I'm on leave at this point.
  - Q. Okay. And when did you start that leave?
- 21 A. I started that leave on December 1st --
- 22 officially on December 1st, when my successor took over.
- 23 Q. Okay. And how long is your sabbatical going
- 24 to last?

20

25 A. My sabbatical will last through the end of

35

- 1 just want to make sure you understand. I'm looking for
- 2 the first one, and you don't remember. Okay.
- 3 Go ahead and name the female faculty
- 4 members that were hired to work in your department after
- 5 you became Chair, whether you remember the order.
- 6 A. In order for me to do this, you'll have to
- 7 allow me to go on our website and look at the list; and
- 8 I'll tell you who they are. I mean, I probably won't
- 9 have an exhaustive list. I don't quite remember who
- 10 everybody, and I will miss a lot if you're asking me to
- 11 list them. And I absolutely don't remember the order in
- 12 which they were hired.
- 13 Q. I thought you said there was only about four
- 14 or five of them hired?
- 15 A. Yes, there may be more. I mean, I have to go
- 16 back and look at the website to ascertain just how many
- 17 were hired.
- 18 Q. Just give me your memory right now.
- 19 A. So Nikolova was one. Hao Zhu was another.
- 20 Jean Anne Incorvia was a third. Diana Marculescu was a
- 21 fourth. And I'm probably missing one or two. So I
- 22 really have to go back to the website to -- well, Kim
- 23 was Number 5.
- 24 Q. I thought you said she was here before you got
- 25 here?

1 this year.

8

- 2 Q. Okay. So a year and a half of academic years?
- A. It's -- it will be more like two years by the
- 4 time I'm done.
- 5 Q. Okay. Because we just passed one year, right,
- 6 in December?
- 7 A. That's correct.
  - Q. And then at the end of this year -- so you
- 9 will start teaching in the Fall of '21?
- 10 A. No, I'll start teaching in the Spring of '22.
- 11 Q. Okay. And you went through the names that you
- 12 remembered very quickly. I wasn't able to catch them --
- 13 I don't know if the court reporter was -- but could you
- 14 go through that list again for Hao Zhu, Marculescu...
   15 A. Hao Zhu, Diana Marculescu, Evdokia Nikolova,
- 16 Kim -- I don't remember her first name -- Jean Incorvia;
- 17 and I'm probably missing one --
- 18 Q. Okay.
- 19 A. -- maybe more.
- 20 Q. Okay.
- 21 A. Oh, Thomaz.
- 22 Q. Andrea?
- 23 A. Andrea Thomaz. I mean, I'd have to -- I mean,
- 24 if you give me -- I mean, either you allow me to go to
- 25 the website and I'll give you the exact number or I'll

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1 have to take ten minutes and try to run through each

- 2 area in the department because I basically -- oh, there
- 3 was another one more in electromagnetics. I'm sorry. I
- 4 mean, I have problems at this point with names. I can
- 5 see her face, but my -- my -- her name escapes me. So
- 6 there are at least seven that I hired.
- Q. We can -- when we take the next break, or the
- 8 first break, you're free to do that; and that's fine.
- 9 And then we can get that list from you.
- 10 A. Okay.
- 11 Q. I'm not trying to deny you. I just, you know,
- 12 don't want to break unnecessarily. Okay?
- 13 A. Yeah, that's fine.
- 14 Q. Okay. And the court reporter would love it if
- 15 you wrote the names in the chat so that she'd have the
- 16 spellings?
- 17 A. Okay.
- 18 Q. And you can do that before we go back on.
- 19 It's up to you.
- 20 A. Okay.
- 21 Q. Now, were you involved in the hiring of all of
- 22 those people that you've listed so far?
- 23 A. Yes.
- 24 Q. Okay. So I'm going to shift slightly to,
- 25 instead of hiring of females, to the females that have

1 process.

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- 2 Q. Okay.
- 3 A. Very likely. Okay? I mean, again, I'd have
- 4 to go back and at least look at, you know, who's on the
- 5 website to remember.
- 6 Q. Please do.
- 7 A. Yeah.
  - Q. Please do. And, of course, that's -- Kim did
- 9 go up, but not all the way through?
- 10 A. Technically, Kim did not go up because she
- 11 withdrew her case; and it didn't go through the college.
- 12 Q. Okay. Was there anybody else that, like Kim,
- 13 Miryung Kim, started the process but withdrew?
- 14 A. I'm sure there are others in other
- 15 departments, but I don't remember in our own department
- 16 whether -- I honestly don't remember. And, again,
- 17 that's not -- that's not something that I would remember
- 18 by looking at a website. I mean, I would have to look
- 19 back in more details in other things.
- 20 Q. And just to clarify, I was just asking about
- 21 your department while you were the Chair.
- 22 A. Yeah, as I just said, I mean, I don't
- 23 remember; and it would take me more than just looking at
- 24 a website to remember that.
- 25 Q. Okay. You don't think you would remember a

1 gone up for tenure since you've been Chair.

- 2 A. Okay.
- 3 Q. Can you give me the list of those that you
- 4 remember; and if you don't remember anymore, that's
- 5 fine. But it's up to you how you --
- 6 A. I actually would have to go back again and
- 7 look at the roster. So, obviously, I remember
- 8 Professor Nikolova; but a lot of people went up for
- 9 promotion during my time. And so I would have to look
- 10 at the specific list of faculty members that -- first of
- 11 all, are you asking from assistant to associate or
- 12 associate to full?
- 13 Q. Just assistant to associate, yeah, just
- 14 because I don't want to get into something that I don't
- 15 think is necessarily relevant to our case.
- 16 A. Then highly likely -- and, again, I'll have to
- 17 go back and look -- that the only case was
- 18 Professor Nikolova.
- 19 Q. What about -- oh, okay. The --
- 20 Professor Heidari, she wasn't in your department?
- 21 A. Yes, Professor Heidari is not in my
- 22 department.
- 23 Q. Okay. So just Dr. Nikolova went up, while you
- 24 were the Chair, from assistant to associate?
- 25 A. Right, she's the only one who completed the

1 female faculty member, while you were Chair, that went

- 2 up for tenure but withdrew, like Kim?
- 3 A. That's not the question that I heard from you.
- 4 I mean, I heard the question: Did anybody go up for
- 5 promotion and withdraw their case? You didn't say
- 6 "female." If you specifically are asking about female,
- 7 then, yes, Professor Kim was the only female faculty
- 8 member that went from assistant to associate and
- 9 withdrew her case.
- 10 Q. Thank you for the clarification, and I
- 11 apologize if my question was not well tailored.
- 12 MR. NOTZON: Let's -- let's go ahead and
- 13 take a break. It's almost an hour that we've been going
- 14 and you're free to look at the website and, of course,
- 15 you know, make sure you're comfortable and just come
- 16 back when you're ready.
  - THE WITNESS: Okay.
- 18 THE REPORTER: We're going off the record
- 19 at 10:57 a.m.

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- 20 (Off the record from 10:57 to 11:15 a.m.)
- 21 THE REPORTER: We're back on the record
- 22 at 11:15 a.m.
- 23 Q (BY MR. NOTZON) Okay. Back from the break.
- 24 And, Professor Tewfik, I see that you put up seven names
- 5 in the chat. Is that the -- are those names accurate

1 for the female faculty that were hired by ECE while you

- 2 were the Chair?
- 3 A. Yeah, that's the best that I could do during
- 4 the break.
- 5 Q. Okay. Thank you for doing that.
- 6 Could you just go ahead and read the
- list -- or I'll read it; and then you can confirm that
- I've read it correctly, although, the pronunciations
- might not be accurate. Jean Anne Incorvia, Hyeji Kim,
- Diana Marculescu, Evdokia Nikolova, Emily Porter, Andrea
- 11 Thomaz, and Hao Zhu?
- 12 A. That's correct.
- 13 Q. Okay. And it looks like those are in
- 14 alphabetical order; is that correct?
- 15 A. Yes, it looks like they are in alphabetical
- 16 order.
- 17 Q. Okay. They're not meant to have been put in
- temporal order, correct? 18
- 19 A. That's correct.
- 20 Q. Okay. Did you determine when they were hired
- when you looked, or did you not? 21
- 22 A. No, I didn't and I don't recall that
- 23 information and I couldn't have done that by just
- 24 looking at the website.
- 25 Q. No problem. I believe I have a chart that

- A. I don't know what you're talking about. Who's
  - 2 that Kim? Where are you getting this name? Where did

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- you get your information?
- Q. Oh, I see. It's not an ECE Kim. It's a
- 5 different department. So never mind.
- 6 All right. Moving on, Thomaz, 2016, does
- 7 that sound accurate?
- 8 A. I mean, given that you got the first one so
- wrong, I can't confirm any of your numbers, basically,
- 10
- 11 Q. I got Nikolova correct, so you should at least
- 12 give me credit for that.
- 13 A. Actually, I -- you know, again, without me
- 14 looking back at her dossier, I wouldn't even give you
- credit for that. I would have to confirm.
- Q. Okay. So if I said '17 for Hao Zhu, '18 for 16
- Incorvia, and '19 for Porter, you'd have the same
- 18 answer?
- 19 A. Yeah. You know, I wouldn't be able to confirm
- 20 any of your numbers.
- Q. Okay. Did any of those women that were hired
- 22 besides Dr. Nikolova, of course, have prior teaching
- experience at other universities as assistant professors
- 24 before they started at UT?
- 25 A. Sorry. I mean, this is a Zoom thing. I lost

- 1 shows when they were hired. Let me read the years that
- 2 they started. I won't identify whether it was January
- 3 or, you know, the Spring Semester or the Fall Semester,
- 4 but just give the year and see if that rings a bell for
- 5 you. Okay?
- 6 A. Okay.
- 7 Q. Nikolova and Kim in '14, and this is the right
- Kim, the second Kim.
- 9 A. The second Kim could not have been hired in
- 10 '14.
- 11 Q. Oh, okay. When do you think it was?
- A. Much later, because, as I was transitioning or 12
- handing off the reins of the department to my successor, 13
- we were having problems with her visa. So she couldn't 14
- 15 have been hired in '14.
- 16 Q. Okay. So it was more -- more recently?
- A. Yeah, probably '18 or '19. Probably '18 and 17
- that she couldn't have -- I mean, she didn't join -- for
- sure, in the Spring of '19, I was dealing with her visa
- issues. She was -- I think she -- my vague recollection
- is that she was supposed to start in '19 due to visa,
- and then it slipped.
- 23 Q. Okay. Let's see. I see a Kim listed. Maybe
- 24 it's a different spelling. H-Y-U-N, next word, J-U-N-G.
- 25 Is that a third Kim?

- 1 you.
- A. What I got is, "Did any." And then I didn't
- 4 hear the rest of it.
- Q. Okay. I'll restate it.
- 6 A. Okay. Thank you.
- Q. Yeah, yeah, anytime, please; and I will do the
- 8 same, of course. We have to work with technology, not
- in spite of it.
- 10 So the question is: Did any of the six
- 11 women that were hired to the faculty while you were the
- 12 Chair in ECE, other than Dr. Nikolova, did they have
- 13 prior teaching experience as assistant professors at
- 14 other universities?
- 15 A. So several of them came in with teaching
- 16 experience, and some may have. I would have to confirm.
- 17 So Andrea Thomaz was an associate professor at Georgia
- 18 Tech. Hao Zhu was an assistant professor at Illinois.
- 19 Yeah, Marculescu was a professor at TMU. Emily Porter
- 20 may have had teaching experience. I can't quite
- 21 remember because she had a special position where she
- 22 was. To the best of my recollection, Jean Anne and
- 23 Hyeji Kim didn't have prior experience. They may have
- 24 taught a course while post-doc'ing somewhere, but I
- 25 don't remember that. You know, this was not a factor --

1 or, you know, it didn't stick in my mind that they had

- 2 prior experience.
- 3 Q. Okay. And it could be my hearing. Did you
- 4 say that Thomaz had associate professor?
- 5 A. Yes, Thomaz was an associate professor. She
- 6 may have been an assistant, promoted to associate, a
- 7 fresh associate. Anyway, she came -- you know, the year
- 8 she was hired, she was hired the same year as Dan
- 9 Wasserman -- that's my recollection or about, you know,
- 10 maybe plus or minus one year -- and one of them or both
- 11 of them were going through promotion at their
- 12 institution; and then we matched that promotion. So,
- 13 you know, she may have been an assistant and then an
- 14 associate at UT; or she may have been an associate and
- 15 an associate at UT.
- 16 Q. Okay. And so just to clarify, professor
- 17 Thomaz was hired as tenured; she didn't have to go
- 18 through the tenure process at UT?
- 19 A. That's correct.
- 20 Q. Okay.
- 21 A. But that meant that -- sorry; maybe I -- the
- 22 process for hiring her was as rigorous as the process
- 23 that we normally do for promotion.
- 24 Q. Okay. So the Department, the Budget Council
- 25 had to vote on her. The Tenure & Promotion Committee

- 1 A. -- because this was an unusual situation; but
  - 2 she could have, and likely may have, like many other
  - 3 faculty members -- or the four faculty members that we
  - 4 had in the Department, like other students have
  - 5 complained about him. And this is what triggered, as I
  - 6 mentioned earlier, investigations and disciplinary
  - 7 action.
  - 8 Q. Okay. And those investigations occurred after
  - 9 the vote?
  - 10 A. Some investigations actually occurred before
  - 11 the vote, and others occurred after the vote.
  - 12 Q. Okay.

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- A. He had a long history of investigations and
- 14 disciplinary actions.
- 15 Q. I'm trying to understand where the "after the
- 16 vote" comes in. Does that "after the vote" come in as
- 17 the point at which she came to you and conveyed to you
- 18 what her complaint was?
- 19 A. She -- again, as I said, she may have
- 20 complained in the past about other things that may have
- 21 happened. I don't recall those because there are so
- 22 many complaints that we got about him. The only thing
- 23 that I recall vividly is the complaint after the vote.
- 24 Q. Okay. Her complaint to you?
- 25 A. Her complaint to me after the vote, because --

1 had to hire; the Dean had to write a letter, et cetera?

- 2 A. Yes, and we had to have more reference letters
- 3 and -- so yes. Yes to your -- your question.
- 4 Q. Okay. All right. I wanted to go back to
- 5 Dr. Miryung Kim for a short bit. You had said that she
- 6 had complained about comments that had been made and
- 7 other things that Professor Patt had done, and I wanted
- 8 to go over: Was there any other complaints she had
- 9 besides against Professor Patt?
- 10 A. Okay. The only thing that I said specifically
- 11 is that she complained about interactions after the
- 12 vote; and that's the only thing that, because I reacted
- 13 to it, that sticks in my mind. She may have had
- 14 complaints before that. A lot of faculty members have
- 15 had complaints about Professor Patt, as well as
- 16 students; but I don't -- you know, I don't remember when
- 17 and how.
- 18 Q. Okay. So sitting here today, your memory is
- 19 that Dr. Kim was only complaining about Professor Patt
- 20 after her vote?
- 21 A. That's not what I said.
- 22 Q. Oh.
- 23 A. What I said is what stuck in my mind is the
- 24 complaint that happened after the vote --
- 25 Q. Oh.

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- A. Okay? Because that's what stuck in my mind.
- Q. Okay. I'm sorry for being dense. It's just
- 4 I'm trying to make sure I understand.

Q. Okay.

- So you recall what her complaints were to
- 6 you -- what her complaints -- what the comments were
- 7 that she was complaining about?
- A. No, I don't recall what the comments were. I
- 9 recall that she complained, and I recall that I asked
- 10 Yale Patt to stop communicating with her.
- 11 Q. And other than the comments from Doctor --
- 12 Professor Patt that she had conveyed to you, did she
- 13 convey any other complaint about anything to you at that
- 14 time?
- 15 A. Again, this is the complaint that I remember.
- 16 I don't remember her complaining about something else,
- 17 so.
- 18 Q. Okay. And are you aware of who Dr. Kim
- 19 complained to other than you?
- 20 A. No, I'm not.
- 21 Q. Are you aware if she made a complaint outside
- 22 of the department to the -- again, OIE or HR or some
- 23 other entity?
- 24 A. I just answered that I'm not aware of any
- 25 interactions she's had outside of the department.

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1 Q. Okay. Did you have any discussions with any

- 2 of the members of the faculty about Dr. Kim's complaints
- 3 of the ECE?
- 4 A. The way I addressed this was through the
- 5 training that I asked all the faculty members to take.
- Q. You responded to her complaint by asking that
- 7 additional training be taken?
  - A. That's correct. I asked that everybody
- 9 partake in the training.
- 10 Q. Male and female?
- 11 A. Male and female.
- 12 Q. Okay. And who provided that training, if you
- 13 can recall?
- 14 A. I think I answered this question before the
- 15 break.

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- 16 Q. I just didn't know if your memory was
- 17 refreshed by this discussion.
- 18 A. My memory wasn't refreshed by this discussion.
- 19 Q. Okay. So, again, I didn't know if I got an
- 20 answer to this question. Did you have any discussions
- 21 with any members of the faculty about Dr. Kim's
- 22 complaint?
- A. Again, I answered this question by telling you
- 24 that the way I addressed this was by bringing the
- 25 training in.

- 1 wanted to ask you if you felt that she was qualified to
  - 2 receive tenure based on the normal bar of the six-year
  - 3 bar that she qualified for using both her A&M and UT
  - 4 years of teaching?
  - 5 A. You're asking about my personal assessment?
    - Q. Personal/professional, yes.
  - 7 A. My personal/professional assessment was that
  - 8 she was somewhere close to the bar. She might have been
  - 9 slightly under the bar or slightly above the bar. She
  - 10 might have just passed the bar.
  - 11 On the other hand, my own personal
  - 12 assessment was that she had done excellent work when we
  - 13 were recruiting her; that, you know, her first few
  - 14 semesters that she teached [sic] that she was doing
  - 15 fine; and that, if given more time, she was going to
  - 16 shine again. And, therefore, I was willing to take a
  - 17 risk and support her case.
  - 18 Q. Okay. And so you don't feel strongly that she
  - 19 was qualified for tenure, but enough to push forward?
    - MS. HILTON: Objection, form.
  - 21 A. My assessment was probably no different than
  - 22 the assessment of my colleagues or many of my colleagues
  - 23 and the Dean, which is that she's somewhere close to the
  - 24 bar. Okay. So she may have been slightly under for
  - 25 some people, slightly above the bar for others; but my

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- Q. See, that doesn't answer the question for me.
- 2 My question is: Did you discuss with specific members
- 3 of the faculty or groups of the faculty Dr. Kim's
- 4 complaint? And that's --
- 5 A. I don't -- I don't recall that I discussed
- 6 this. I may or may not have. You know, we don't engage
- 7 in idle chitchat about these topics. If there's a
- 8 problem, you address the problem; and you address it the
- 9 most effective way.
- 10 Q. So it would be accurate, I think, from your
- 11 testimony, that the entire faculty knew that Dr. Kim had
- 12 made a complaint, at least one?
- 13 A. I did not say that. The only person who knew
- 14 that there was a complaint was Professor Patt because
- 15 Professor Patt was told explicitly not to communicate
- 16 again with Professor Kim or actually any other female
- 17 member on our faculty.
- 18 Q. Okay. Well, let me ask it a different way.
- 19 Did any other faculty member come to you expressing
- 20 concerns about Dr. Kim's complaint?
- 21 A. I don't recall any other faculty member coming
- 22 to me. It may have happened. I don't recall.
- 23 Q. So before the break, I was asking you about
- 24 the -- whether or not Dr. Nikolova was put to a higher
- 25 bar, and you said you don't believe she was. And I

- 1 own assessment is -- was that she had done excellent
  - 2 work before she came to UT and in the first few
  - 3 semesters at UT and that she was going to shine again.
  - 4 And I wanted to make sure that we retained her and give
  - 5 her the opportunity to shine again.
  - 6 Q. What occurred in the period after the first
  - 7 few semesters that you just referred to that she would
  - 8 shine again? What was the period of not shining?
  - 9 MS. HILTON: Objection, form.
  - 10 A. You know -- again, you know, I didn't review
  - 11 the case here last night; and I've been out for a while.
  - 12 But from her personal circumstances, you know, she
  - 13 formed a family and there are other things that happened
  - 14 that may have slowed her down and that's sort of
  - 15 natural. And because I knew what she was capable of, I
  - 16 expected her to do it again; and so that's -- that's the
  - 17 position I took.
  - 18 Q (BY MR. NOTZON) Okay. And when you say
  - 19 personal circumstances and starting a family, that's the
  - 20 having the children?
  - 21 A. You know, having the children, getting to know
  - 22 someone, you know, getting married. I mean, you know,
  - 23 we go through life; and, you know, some people delay
  - 24 certain decisions and others don't. And we just have to
  - 25 take that into account. At least, I believe you have to

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take it into account when passing judgment.

- Q. Okay. Is there anything else other than
- 3 having the children and getting married that you include
- 4 in the personal circumstances?
- 5 A. For Dr. Nikolova or for other people?
- 6 Q. For -- well, for Dr. Nikolova, given that you
- 7 used that term related to her, yes.
  - A. These are -- that's what I was aware of. So
- 9 if there were other circumstances and she would have
- 10 shared those with me, I would have factored those in as
- 11 well.

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- 12 Q. Okay. I'm just asking what you had in your
- 13 mind when you said the term "personal circumstances."
- 14 A. That's what I had in mind, yeah, that she was
- 15 forming a family.
- 16 Q. Okay. So when you say you don't believe she
- 17 was held to a higher standard, when Dean Wood wrote her
- 18 evaluation, she went against you. She went against the
- 19 Budget Council. She went against the Promotion and
- 20 Tenure Committee; and those were very strong votes,
- 21 correct?

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- 22 MS. HILTON: Objection, form.
- 23 A. So I'd have to give some explanation here.
- 24 When people go up for promotion, there are written
- 25 documents; and then there are discussions that --

- 1 that answer. Let's start at the end. Why do you think
  - 2 the Promotion and Tenure Committee writes the first
  - 3 draft

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- 4 MS. HILTON: Objection, form.
- 5 A. I can't speculate on this, but that's what I
- 6 understood from -- you know, from discussions with
- 7 various people is that -- that's what has been happening
- 8 for a number of years and stopped at some point.
- 9 Whether it stopped in '19 or stopped in '18, I don't
- 10 know --

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- 11 Q. (BY MR. NOTZON) Okay. Well, my --
- 12 A. -- but at a recent point.
  - Q. Okay. My question still remains: So you
- 14 said -- I asked you how you understood that a first
- 15 draft is created by the Tenure and Promotion Committee,
- 16 and I understand you're saying you don't know if that
- 17 was the case or not.
- 18 I'm asking: What made you think that was
- 19 the case; and if you could name names of people or how
- 20 you got that understanding, that's what I'm after.
- 21 A. Because some of our faculty -- some of my
- 22 colleagues in the department who served on that
- 23 committee relayed that information to me and to others
- 24 in the department.
- 25 Q. Okay. And could you name those people?

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- A. One person which you know that he relayed that
  - 2 information to us because it's. I think, in the e-mails
  - 3 that you got is Ananth Dodabalaur.
  - 4 THE REPORTER: I'm sorry. Can you repeat
  - 5 the name?
  - 6 THE WITNESS: So I probably will butcher
  - 7 it, so you'll have -- you will have to go to the website
  - 8 and get the name; but it's "Do," D-O-D-O-B-A- --
  - 9 MR. NOTZON: Professor, you don't have to
  - 10 spell it now. We'll get it later.
  - 11 THE WITNESS: Okay.
  - 12 Q. (BY MR. NOTZON) But Ananth is the first name?
  - 13 A. Yes.

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- 14 Q. Okay. And we'll fill in that gap, so.
  - Okay. Other than Ananth -- and I
- 16 apologize for the familiarity, but just as a short
- 17 stop -- did anyone else tell you this?
- 18 A. I don't -- and I can't pinpoint a particular
- 19 person. I can't give you a particular name, but I know
- 20 that has come up a number of times. You know, every few
- 21 years we have a faculty member serving on the committee;
- 22 and I probably heard it more than once.
- 23 Q. Okay.
  - A. The only reason I remember Ananth is just
- 25 because I saw that e-mail recently.

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- verbal, oral discussions that happen. Departments tend to support their own members.
- 3 After the case with Dr. Kim, the
- 4 Department sort of -- you know, if we were going to
- 5 support someone, then we were going to vote strongly in
- 6 favor of that person. We were not going to -- again,
- 7 there was no other weak vote that I recall since Kim. I
- 8 mean, the Department sort of learned a lesson.
- 9 That doesn't mean that the faculty
- 10 members of the Department would not have voiced their
- 11 concerns about the case and that the case is, you know,
- 12 barely meets the bar in some people's opinion or doesn't
- 13 meet the bar. And these verbal concerns would have
- 14 filtered all the way up. So that's why I am saying that
- 15 she wasn't held to a higher bar.
- 16 The other thing that I know is that,
- 17 typically, the promotion -- the Promotion and Tenure
- 18 Committee will draft the first draft of the letter that
- 19 the Dean writes. I don't know if that happened in this
- 20 case or not, but I presume that it may have happened in21 this case. And so by reading the letter that the Dean
- 22 wrote regarding Nikolova's case, I can get a sense of
- 23 what the Promotion and Tenure Committee really was
- 24 thinking, even though they voted for promotion.
  - Q. Okay. Let me follow up with some questions on

Q. So if the P&T Committee did not write the

- 2 first draft and that was solely from Dean Wood, would
- 3 that change your answer at all as to their perspective?
- 4 MS. HILTON: Objection, form.
- A. I -- you know, as I said, I am guessing. I 5
- don't know for sure what their perspective was; but
- given that -- you know, if they did write the letter,
- that would give me a sense of what they're thinking.
- And even if they did not write the letter, I know that
- they meet with the Dean; and they provide feedback to
- 11 the Dean, which the Dean then factors in the letter.
- 12 That feedback is verbal feedback and is not necessarily
- written -- reflected in the report nor in the vote. 13
- 14 Q. (BY MR. NOTZON) Would you agree that they
- 15 would not have the same impetus as the ECE Department
- Budget Council to make sure they don't have any weak 16
- 17 votes on colleagues going up for tenure?
- 18 MS. HILTON: Objection, form.
- 19 A. I disagree with that because if you look at
- the statistics of promotion, at least what I recall 20
- seeing in promotion both of the assistant and associate 21
- professors, almost everybody -- I mean, the percentage
- 23 of people who are promoted is extremely high; and if I
- were to compare this with other universities, I would
- say that in our case, there tends to be rallying around

- 1 Promotion and Tenure Committee is that they voted 7/0
  - 2 for -- to promote Dr. Nikolova, correct?
  - A. I remember there was a strong vote. I don't
  - 4 remember the number, and I didn't take the time to
  - 5 review the dossier before today.
  - Q. Okay. So just to finish the loop, you don't
  - have any indication that the P&T Committee was lukewarm
  - on Dr. Nikolova other than the belief that's unverified
  - that they may have written the first draft, correct?
  - 10 (Simultaneous speakers.)
  - 11 MS. HILTON: Objection, form.
  - 12 Q. (BY MR. NOTZON) You may have walked over each
  - 13 other. Could you repeat your answer, Doctor?
  - 14 A. Yes, I did not talk to the committee. And, I
  - 15 mean -- and I don't know that they wrote the first draft
  - for sure. So, yes, this is sort of an assumption on my
  - 17
  - 18 Q. And then going back -- when I said I was going
  - to follow up, I'm following up, again, on that prior
  - answer. You stated that there were several people in
  - the Budget Council that did not feel strongly about
  - Dr. Nikolova's candidacy for tenure or qualifications
  - for tenure; but they voted for her, anyway, as part of
  - this unspoken feeling that there were going to be no
  - 25 more weak votes after Dr. Kim. Could you name who those

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- 1 our own in supporting promotion cases.
- MR. NOTZON: Object as nonresponsive. 2
- 3 Q. (BY MR. NOTZON) I'm asking -- well, let me
- ask it a different way. You have no information that
- would lead you to believe that the P&T Committee
- gathered amongst themselves and decided that they weren't going to have any weak votes on candidates
- coming up for tenure, correct? 8
- 9 MS. HILTON: Objection, form.
- 10 A. That's correct.
- 11 (BY MR. NOTZON) Okay. But you're testifying
- that the ECE Budget Council came together and decided 12
- that they were not going to have any more weak votes on 13
- their colleagues going up for tenure after Dr. Kim? 14
- 15 MS. HILTON: Objection, form.
- 16 A. Nobody -- that's not what I said. Nobody gets
- together. There's no meeting and people say, "Okay. 17
- We're all going to vote for this." But there is sort of
- peer pressure. There is an understanding, and then 19
- those are votes. Okay? So I can't guarantee that it's
- going to be a hundred percent vote. There is no formal
- agreement between people that we are all going to vote
- 23 one way, and that would be true, also, of the Promotion
- 24 and Tenure Committee.
- 25 Q. (BY MR. NOTZON) And what you do know of the

- 1 people were that were expressing being lukewarm on
  - 2 Dr. Nikolova?

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- A. No, I could not name names. I don't remember
- 4 who said what during the meeting; but I am reasonably
- 5 confident that if Dr. Nikolova was a man, not a woman,
- 6 the vote would have been weak.
- 7 Q. And why do you have that opinion?
  - A. Because during the meeting, the issue did came
- up, you know, we don't have enough female faculty
- members on the faculty. We really would like to keep
- Dr. Nikolova; and in the anonymous comments that we
- 12 collected, that sentiment also came through.
- 13 Q. Did it suggest that -- did those anonymous
- 14 comments and the comments you received during the
- discussions of the Budget Council, did they say:
- Although we know she's not strongly qualified, we still
- want her because she's a woman? 17
- 18 A. Yes.
- 19 Q. And those anonymous comments, were they
- 20 written down?
- 21 A. We collect these anonymous comments with the
- 22 vote.
- 23 Q. Okay. And did you turn those over to us?
- 24 A. I -- I don't know.
- 25 Q. Okay. Are they -- are those anonymous

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1 comments included in the dossier when it goes up to the

2 P&T Committee?

3 A. They may or may not have been included.

- 4 There's no rule that says that they are to be included,
- and I don't remember whether they were forwarded or not
- forwarded.

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- Q. Whose decision would that have been?
- A. I mean, the Dean would know -- would be aware
- of these anonymous comments; and she could have asked
- 10 that they be included or not. I mean, if she doesn't
- 11 ask for them to be included, which they're not supposed
- 12 to be included, then they would not have been included.
- If she asked for them to be included, then they would 13
- 14 have been included.
  - And that decision is not a per-person
- 16 decision. That would be a rule that she would apply to
- an entire year. So she might -- like, in 2018, she may 17
- have asked that the anonymous comments for everybody be 18
- included, or in 2019 she may have done that. 19
- Q. So let me clarify. You would let her know 20
- 21 that there are these anonymous comments and what they
- were, and then she would then decide to ask for them to 22
- 23 be included or not?
- MS. HILTON: Objection, form. 24
- 25 A. She would ask -- no. She would say: I want

- Q. Okay. So back to my other question that you
  - didn't answer, which is: Whose decision is it that the
  - anonymous comments get included in the dossier --
  - A. I did answer the question because I told
  - 5 you --

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- 6 Q. Let me finish.
- 7 A. I did answer the question.
  - Q. Let me finish. Is it just the Dean, or do you
- 9 have the authority to include them or not?
- 10 A. It is just the Dean. The UT rules are not --
- 11 do not force us to include them, and we don't include
- 12 material that we are not asked to include.
- 13 Q. Okay. Let's go back to when you first met or
- 14 communicated with Dr. Nikolova. Did you make contact
- 15 with her first, or did she make contact with you first?
- 16 A. What are you referring to specifically?
- 17 Q. The beginning of whenever you first met
- 18 Dr. Nikolova.
- 19 A. I first met Dr. Nikolova, to the best of my
- 20 recollection, when she came to interview.
- 21 Q. Okay. Do you recall if someone reached out to
- 22 her to recruit her to come to UT or if she applied to UT
- for an open position?
- 24 A. The way that this works is whenever we have an
- open position, we ask all our colleagues to reach out

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- all of the anonymous comments that we receive for all of
- the people going up for promotion in a particular year.
- 3 MR. NOTZON: Object as nonresponsive.
- (BY MR. NOTZON) My question is: You said in
- 5 your prior testimony that she would know of these
- anonymous comments; and I'm asking the following
- question, that --
  - A. You are making an assumption here that she --
- the way you're phrasing your question, you're making an
- assumption that she becomes aware of the specific 10
- 11 comments and then decides to include them or not include
- 12 them. And what I'm telling you is that these are rules
- that have not been consistently applied in which in a 13
- given year she might say, "Please forward all of the 14
- anonymous comments that you got," before she would know 15
- what these anonymous comments are; in other years, she
- wouldn't. And since this is not a UT rule, it really is 17
- 18 up to the Dean.
- Q (BY MR. NOTZON) And you're testifying that 19
- 20 you don't recall what you did in this instance?
- 21 A. No, I don't recall what we were asked to do in
- 22 this instance; but you probably know what we did because
- 23 if you -- I presume that you have her dossier with you.
- 24 And if it's in the dossier, then it was included: if
- 25 it's not in the dossier, then it was not included.

- and ask people to apply or ask people whether they have
  - students that we should be recruiting. So she may very
  - well may have been approached by one of my colleagues
  - who told her that we're looking for someone and, "Why
  - don't you apply?"
  - 6 Q. Okay.
  - A. That does not mean that, you know, she was
  - automatically going to get the position because a lot of
  - people are asked to join the pool that way.
  - 10 Q. Okay. So would it be accurate that you didn't
  - 11 contact Dr. Nikolova yourself?
  - 12 A. To the best of my recollection, that's true.
  - 13 Q. Okav. And you met her at an interview, you
  - said, when she came to the campus? 14
  - 15 A. Yes. I would have met her. I would have
  - 16 attended her talk, and I would have also spent time with
  - 17 her.
  - 18 Q. And how many other people applied for that
  - position? 19
  - 20 A. I have no recollection, and I don't keep track
  - 21 of that.
  - 22 Q. You're clear it's more than just her?
  - 23 A. Yes, I'm clear that it's more than her.
  - Q. Okav. And when it was time to make the
  - decision on who to hire, you were a part of that

1 process; is that correct?

- 2 A. That's correct.
- 3 Q. Who else was a part of that process?
- 4 A. I don't remember the names, but we have a
- 5 recruiting committee that we put in place every year.
- So that committee would have been part of the process.
- The committee makes a recommendation to the faculty.
- The faculty then gets together and votes on making an
- offer. That then goes to the Dean and the Dean needs to
- endorse that offer or -- and then that would go to the
- 11 Provost. And then the Provost would, you know, agree or
- 12 not agree to make the offer.
- 13 At the assistant professor level, in most
- 14 cases, my recollection -- and, again, you need to
- 15 double-check -- the Dean is delegated to make the
- decision on behalf of the Provost. So that may not have 16
- 17 gone up to the Provost.
- 18 In this very specific case, we had made
- 19 offers to probably at least one other faculty member. I
- 20 mean, so there was a search. The search didn't yield
- 21 the results; and then we extended the search. And it
- 22 was during that extended period that we interviewed
- 23 Dr. Nikolova.
- 24 Q. So there was somebody on campus that was
- 25 offered the job that turned it down?

- 1 who then turned down that offer, which then put the ball
  - 2 back in the Department's court?
  - 3 A. That's correct.
  - 4 Q. Okay. All right. And so at what point did
  - 5 you talk to Dr. Nikolova to make her the offer? Was it
  - after the Dean had approved that?
  - 7 A So --
  - 8 MS. HILTON: Objection, form.
  - 9 A. -- again, I told you what the process is. The
  - Recruiting Committee makes a recommendation. The
  - faculty then votes on that recommendation. If the
  - faculty approves that, then I go to the Dean; and if the
  - Dean says, "Yes, you can make an offer to Dr. Nikolova,"
  - there is some bureaucratic steps that have to be taken
  - 15 at that point.
  - 16 And then I would normally call the
  - candidate and tell them, "We're going to make you an
  - offer," and start negotiations.
  - 19 Q. Okay. So you contacted Dr. Nikolova after all
  - 20 the approvals had happened?
  - 21 A. At least verbal -- some, you know, votes and
  - 22 written approvals and at least a verbal approval from
  - 23 the Dean.
  - 24 Q. Okay. And what do you recall about that
  - communication you had with Dr. Nikolova? Was it verbal

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- A. No. We were recruiting, so that means that
- 2 that somebody was not on campus. That somebody was
- somewhere else. Whether -- I don't recall the details
- of that, whether we ended up making an offer and that
- person just didn't join; or that, you know, while we
- 6 were making an offer, the person told us that she wasn't
- going to be able to join. But the end result is at the
- end of the recruiting season, we didn't -- we didn't
- fill that position; and then we extended it. We
- extended the search. 10
- 11 Q. Oh, okay. So Dr. Nikolova wasn't part of that
- 12 first search process?
- 13 A. That's my recollection.
- 14 Q. Okay. And --
- 15 A. Okay. I don't recall whether she applied or
- was approached during that first stage; but she wasn't
- selected as part of the first group that we interviewed, 17
- so -- or she was approached afterwards. I have no
- 19 recollection of that.
- 20 Q. You just recall that you don't remember her
- 21 being a part of that first search?
- A. I remember that she wasn't one of the names 22
- 23 that surfaced during the first search.
- 24 Q. Okay. And there were multiple people involved
- there and resulted, like you said, in a single selectee,

- 1 or in writing?
  - A. The first interaction would be verbal. I
  - 3 would -- typically, I would say, "Okay. We're going to
  - 4 make you an offer. Here's the offer. Here are the
  - broad terms of the offer. It consists of these things.
  - That's what I need from you. I'm going to draft an
  - offer letter. I'll send it to you. We can then discuss
  - it while it's also proceeding through the bureaucratic
  - 9 channels."
  - 10 Q. Okay. And when do you recall her -- or do you
  - recall her expressing an interest in having her time
  - 12 teaching at A&M count toward her probationary clock?
  - 13 A. I don't recall whether she expressed an
  - 14 interest or not; but whenever I meet with an candidate
  - that is an assistant professor somewhere else or an
  - associate professor somewhere else, I will tell them
  - about the process, what's the promotion and tenure process at UT. I will tell them that, you know, UT uses
  - a six-year rule. So you have to stay as an assistant
  - professor for six years. You have to serve as an
  - 21 associate for six years before UT considers you.
  - 22 I would tell them that we -- as a
  - 23 Department, we would look at the -- you know, your
  - 24 service at a prior institution. And we would argue
  - that, although technically it's early because it's

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1 breaking the UT rules, that, you know, we would like to

2 factor this and push you forward.

I would also tell them that there is a

- 4 difference between the, quote, the technically early
- 5 cases and the real early cases and that, you know, the
- 6 real early cases are like an award; and for that to
- 7 happen, you really have to excel.
  - Q. And this is a communication you have -- you
- 9 would have with any and every faculty member that you
- 10 you'd make an offer to?

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- 11 A. This is an communication that I would have
- 12 with any candidate that we're interviewing who happens
- 13 to be an assistant or an associate professor somewhere.
- 14 If that candidate was a post doc or came from industry
- 15 or, you know, whatever, wasn't a faculty member
- 16 somewhere else, then the discussion would focus only on
- 17 the regular promotion flow and also on the real early
- 18 promotion, that, "We have done this sometimes. We have
- 19 succeeded, and this is what it takes."
- 20 Q. Okay. I just was trying to clarify that this
- 21 just wasn't a Dr. Nikolova conversation. This was a
- 22 conversation that you would have with somebody in
- 23 Dr. Nikolova's situation?
- 24 A. Right. So that's a conversation I had with
- 25 Hao Zhu. That's a conversation I had with -- I'm

- 1 has to agree to.
  - 2 Q. Okay. All right. So Dr. Nikolova comes and
  - 3 she starts up, and she's hired in -- she starts
  - 4 working -- well, she's hired -- made the offer in the
  - 5 Summer of '13 and then starts working in January of '14.
  - 6 Is that your memory?
  - A. I don't remember the years, but I do remember
  - 8 that she started in January of a year.
  - 9 Q. Okay. And one of the reasons -- well, do you
  - 10 recall that in the Summer of '13, when the offer was
  - 11 made to Dr. Nikolova, that the UT rule, or UT System
  - 12 rule, was that if the offer was made after, I think it's
  - 13 May 1st, that the school from which the faculty member's
  - 14 coming has to approve releasing that individual if
  - 15 they're going to start in the Fall Semester; is that
  - 16 correct?
  - 17 A. I don't think that that's a UT rule. My
  - 18 understanding is that that's an agreement between
  - 19 different universities.
  - 20 Q. Okay. So but that -- whose rule it is is up
  - 21 for -- up for question, but the rule is accurately
  - 22 stated?
  - 23 A. That's my understanding. Okay? I mean, I'm
  - 24 not the one who has to deal with these rules. These are
  - 25 dealt with at the Provost level.

1 blanking on his name right now -- Alex Dimakis, with Dan

- 2 Wasserman. You know, anyone who was a faculty member
- 3 somewhere else, I would have had that conversation with
- 4 them.
- 5 Q. Okay. And that's because every faculty member
- 6 that's being hired from one university to another wants
- 7 to know that they didn't waste "X" number of years on a
- B tenure clock. They want to know, you know, "Can I get
- 9 some credit for this," right?
- 10 MS. HILTON: Objection, form.
- 11 A. Different people have different attitudes
- 12 towards that. Some say, "Okay. This extends our
- 13 runway, so this is better for us. You know, we would be
- 14 better prepared for promotion."
- 15 Others are -- you know, are stuck on
- 16 timelines; and they say, "Yeah, I'd like to be able to
- 17 go up for promotion at the time that I would have
- 18 normally went through in this other institution."
  - So it depends on the individual.
- 20 Q. Okay. And the circumstances, yeah.
- 21 A. What do you mean "the circumstances"?
- 22 Q. The circumstances that the individual finds
- 23 themselves in, right?

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- 24 A. Yeah. At the end of the day it's a decision
- 25 that the individual has to make and the Budget Council

1 Q. Okay.

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- 2 A. I mean, I know vaguely that there is a
- 3 deadline of May 1st; and any offer that we're making
- 4 after May 1st has implication for when the person can or
- 5 cannot start.
- Q. Would it be accurate that if Dr. Nikolova
- 7 could have started in the Fall Semester of that year,
- 8 that ECE would have gladly accepted her starting then
- 9 and not waiting?
- 10 MS. HILTON: Objection, form.
- 11 A. ECE would have gladly accepted her. Whether
- 12 the delay was due to the May 1st rule or because
- 13 Dr. Nikolova wanted to start in January. I don't recall.
- 14 And we have a lot of these cases where sometimes the
- 15 person doesn't want to start until January because they
- 16 want to settle, find a place, you know, whatever, any of
- 17 a number of reasons.
- 18 Q. (BY MR. NOTZON) Right. I'm just asking for
- 19 your -- for what you know.
- 20 A. I don't recall what -- what I know is, yes, I
- 21 mean, when we make an offer, I tell people, "You can
- 22 start in the fall, or you can start in January if you
- 23 want to." If it's going to be beyond January, then it
- 24 requires more approvals.
- 25 Q. So, based on your prior testimony -- tell me

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1 if that is correct -- that you don't make the decision

- 2 as to whether or not to call A&M and ask if it's okay if
- 3 they release her for the Fall Semester; is that right?
- 4 A. No, it's not my decision.
- 5 Q. Okay. And you're saying you believe it's the
- 6 Provost's Office decision.
- 7 A. That's my understanding.
- 8 Q. Okay. And did you ask that the Provost Office
- 9 make the call?
- 10 A. I don't ask for anything. I mean, the only
- 11 thing I ask for is, "Here is my offer letter."
- 12 If the candidate says, "I want to start
- 13 in the Fall." And if the offer is being made after
- 14 May 1st, then, the Dean cannot authorize the offer, even
- 15 if it's assistant professor. That would have to go
- 16 through the Provost, and then the Provost has to do what
- 17 the Provost is supposed to do. So it's not -- I don't
- 18 ask for anything. There is a process that everybody has
- 19 to follow.
- 20 Q. All right. And so you don't know what the
- 21 decision-making process was at the Provost's Office to
- 22 ask A&M, or not, if they'd release Dr. Nikolova? That
- 23 would be accurate; you don't know?
- 24 A. Well, I think there is a misrepresentation in
- 25 what you're saying. First of all, yes, I don't know;

- 1 offer is being made after May 1st, in which case they're
- 2 forced to do something; or we tell them the candidate is
- 3 going to start in January. There's no decision to be
- 4 and a Mark a contact of the Contac
- 4 made. It's like here's a red light, you know. There's
- 5 no decision there you make or not make.
- Q. So in Dr. Nikolova's case, did she decide she
- 7 wanted to start in January; or did UT decide to offer
- 8 her a job starting in January?
- 9 A. I have no recollection of what she decided or
- 10 not. The only thing I know, because that's the process
- 11 I use every time, is I ask the candidate, "When do you
- 12 want to start?"
- 13 And I don't remember whether she said, "I
- 14 want to start in the Fall." And then, you know, we
- 15 tried to make her start in the Fall and we couldn't, for
- 16 some reason, or she said, "I want to start in January,"
- 17 in which case, there was no issue.
- 18 Q. Okay. So since you don't remember,
- 19 Dr. Nikolova was someone that I could ask about that?
- 20 A. You can ask Dr. Nikolova; but if you were --
- 21 if I were sort of -- you know, have to use the
- 22 information that you're providing on whether this was
- 23 "X" or "Y," I would have to see what happened at the
- 24 Provost level. I mean, I would have to see the original
- 25 offer letter, whether it had -- which date did it have

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- 1 but, second, it's not -- the Provost would not make a
- 2 decision to call or not to call. If this is, indeed, a
- 3 rule that all universities have to abide by, then any
- 4 offer that goes after May 1st, the Provost will do the
- 5 right thing and call the Provost in the other
- 6 institution. Okay?
- 7 So it's not a choice for the Provost to
- 8 call or on not call. If the offer is being made after
- 9 May 1st, it is my understanding that the Provost has to
- 10 approach the Provost in the other situation.
- 11 Q. Oh, okay. Perhaps we have a different
- 12 understanding or a miscommunication. Let me clarify it.
- 13 I believe that the rule is: If the offer is made after
- 14 May 1st to start in the Fall, you have to make the call;
- 15 but if you're not starting in the Fall, then no call
- 16 needs to be made?
- 17 A. That's correct.
- 18 Q. So the Provost's Office would have to make a
- 19 decision, then, to call if Dr. Nikolova's going to start
- 20 in the Fall; but if she's just going to start in the
- 21 Spring, there's no need for them to call. So a decision
- 22 has to be made to call or not call, right?
- 23 A. There is no decision because we tell them,
- 24 after speaking with the candidate, that the candidate
- 25 wants to start in the Fall, in which case -- and the

- 1 and see whether that went to the Provost and the Provost
  - 2 came back saying, "No, you can't hire her because A&M
  - 3 said you can't."
  - 4 Q. Okay. Now, so based upon the conversation you
  - 5 had with Dr. Nikolova, which is the conversation you'd
  - 6 have with any assistant professor that you're recruiting
  - 7 and hiring, when it came time to -- when you hired her,
  - 8 you understood that you and the Budget Council was going
  - 9 to put her on track to go up for tenure at the sixth
  - 10 year, counting both programs; is that right?
  - 11 MS. HILTON: Objection, form.
  - 12 A. That's not right because what I told you is
  - 13 that when she joined, assuming no extension of her
  - 14 block, she would be forced to go up for tenure six years
  - 15 after joining. Anything that happens before that
  - 16 deadline or if there's an extension to that deadline
  - 17 would have to come from Dr. Nikolova. So Dr. Nikolova
  - 18 would have to say, "I would like to go up for
  - 19 promotion."
  - 20 When Dr. Nikolova would go up for
  - 21 promotion, when she would express something like that,
  - 22 we would have a discussion. I would offer my opinion,
  - 23 and go through Budget Council. And then the Budget
  - 24 Council either approves it or doesn't approve it, but it
  - 25 has to start with Dr. Nikolova.

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1 Q. (BY MR. NOTZON) Okay. And when you say the

- 2 Budget Council approves it or disapproves -- or doesn't
- 3 approve, that's the Step 1 of the two-step Budget
- 4 Council vote?

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- 5 A. That's correct.
  - Q. Okay. And from your experience with other
- 7 assistant professors that UT hired for ECE, that if they
- had a total of six years, accounting for extended --
- probationary extensions and whatnot, whatever, you know,
- 10 the clock calculation is, that the justifi- -- or the
- 11 explanation for going up before six years at UT, it was
- 12 sufficient to say that they had six total years at both
- programs as the reason why they were going up before six 13
- 14 years at UT; is that right?
- 15 MS. HILTON: Objection, form.
- A. If you look at my letter for Nikolova and 16
- 17 others, you'll see that the first paragraph will say,
- you know, "We're going" -- I don't remember the exact
- verbiage; but it mentioned that we're putting this 19
- 20 person up for promotion to this position and that
- 21 person, if promoted, would have served "X" number of
- 22 years in rank. And if that rank is less than six, I
- 23 would have said, "This is, therefore, an early promotion
- case" or "It is, therefore, a technically early
- 25 promotion case because if you count these other years,

1 him.

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- 2 Q. Okay. Let me throw out a name and see if it
- refreshes your recollection; and I'm going to -- I'm not
- going to try the last name, maybe. Is it Sujay?
- A. Yeah, Sujay Sanghavi.
  - Yeah. Okay. So the difference between
- Sujay Sanghavi and Alex Dimakis is that Sujay was
- recruited before I joined; and Alex was recruited after
- I joined. So I was part of the recruiting process; and
- that's why, you know, I remember him more than Sujay. 11
- Q. Right, but did Sujay go up while you were
- 12 Chair?
- A. He went up while I was Chair, but I don't 13
- 14 remember whether there was a discussion of technically
- early or not technically early. You know, this was --
- he probably went up early in my tenure; and I basically
- 17 have no recollection of --
- 18 Q. Okay.
- 19 A. -- what happened then.
- 20 Q. Do you recall if he had time -- he was hired
- with years of experience as an assistant professor at
- 22 some other institution?
- 23 A. Yeah, I know that he came from Purdue; and I
- presume that he was an assistant professor at Purdue. I
- mean, I just don't remember the details of his case.

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- 1 that would not have been an early promotion case."
- 2 Q. Okav.
- A. Having said that, if Dr. Nikolova had joined 3
- 4 UT, you know, immediately as her first position and
- would have said, "I want to go up for promotion after
- four years," we'd have said, "No, don't go up for
- promotion. We don't think it's something that you should do." And if the Budget Council would have
- approved it, my letter would have said, "This is an
- early promotion." And that would be the end of it. 10
- 11 Q. Right. Okay. And you've said similar things
- 12 in other faculty members' letters that you've written;
- is that right, that were going up technically early but 13
- not early, early, not truly early? 14
- 15 MS. HILTON: Objection, form.
- 16 A. Yes. This is -- this is exactly the same
- text, copy and paste from letter to letter. When they 17
- have the same case, the verbiage is exactly the same. 18
- Q. (BY MR. NOTZON) Okay. And one example would 19
- 20 be Professor Dimakis?
- 21 A. One example would be Professor Dimakis.
- Q. Okay. Is there another example that you 22
- recall? 23
- 24 A. Not at the moment. Dimakis was the one that
- was probably closest to her, and that's why I remember

- Q. Okay. And you don't remember if he was
  - technically early or true early?
  - A. Well, he was not -- he definitely was not put
  - up as an early case because, at least in my mind, he was
  - not one of those super superstars that would deserve an
  - early promotion. So if he went early, it would have
  - been a technically early case.
  - 8 Q. Okay. And I understand that's your best
  - memory looking back over a period of years; and I'm just
  - asking for your memory, so no problem. 10
  - 11 MR. NOTZON: Okay. We are at -- let's go
  - 12 ahead and go off the record.
  - THE REPORTER: We're going off the record 13
  - 14 at 12:14 p.m.
  - 15 (Off the record from 12:14 to 1:20 p.m.)
  - 16 THE REPORTER: We're back on the record
  - at 1:20 p.m. 17
  - 18 Q (BY MR. NOTZON) Okay. Back from lunch.
  - 19 And I didn't say this earlier,
  - President Tewfik, but I appreciate you making yourself
  - available on the weekend. I know it was at your
    - request; but, still, it's still a weekend.
  - 23 I wanted to see if I could refresh your
  - recollection just a -- and get your responses.
  - Dr. Nikolova -- and this is in relation to the

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1 conversation you had with her the summer that you were

- 2 offering her the position and whether or not she would
- 3 start in the fall or the spring. And do you recall
- 4 telling her that she did not have an option to start in
- 5 the fall, that she would have to start in the spring
- 6 because -- and -- because there was an agreement that --
- 7 between universities if she wasn't offered before
- 8 May 1st, she couldn't start in the fall?
- A. I have no recollection of these details.
- 10 Q. Okay. And to follow that, that she doesn't
- 11 recall being given the option to say whether she wanted
- 12 to start in the fall; and if she did, the process that
- 13 would have to occur for her to do that?
- 14 MS. HILTON: Objection, form.
- 15 A. To answer your question -- I mean, you're
- 16 asking me if she didn't recall?

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- 17 Q (BY MR. NOTZON) No. I'm asking if -- if that
- 18 is consistent with your memory as to what did not occur
- 19 in your conversation with her.
  - MS. HILTON: Objection, form.
- 21 A. I have no recollection of what occurred or did
- 22 not occur. I can tell you standard practice, but I have
- 23 no recollection of what occurred or did not occur.
- 24 Q (BY MR. NOTZON) Okay. I guess the last
- 25 question on that line is: You've testified about what

- 1 A. I don't recall what was in her packet; but I
  - 2 can tell you, again, standard practice, which there are
  - 3 letters of recommendations. During the interview, we
  - 4 may have asked questions; and then we also reach out to

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- 5 people we know to ask about the candidate we're
- 6 recruiting.

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- Q. Okay. Was Dr. Nikolova asked to present
- 8 similar information as would be required for the tenure
- 9 application, that is, her research, her funding, her
- 10 service, her teaching, those kinds of things?
- 11 A. She would have been asked; and, again, that's
- 12 standard practice. She would have had to submit her CV.
- 13 She would have had to submit a teaching statement and a
- 14 research statement and a list of potential reference
- 15 letter of recs.
- 16 Q. And publications?
- 17 A. Well, the CV has the publications.
  - Q. Okay. Are there teaching scores required or
- 19 not required in the application, the CIS scores?
- 20 A. The application and the CV and a teaching
- 21 statement. So if the candidate volunteers information
- 22 about their teaching scores, great; if they don't,
- 23 that's up to them.
- 24 Q. Okay. And did you find Dr. Nikolova's
- 25 performance at A&M to be -- well, do you remember any

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- 1 the process is, and we know that you knew that at the
- 2 time you talked to her; is that correct?
- 3 A. That's correct.
- Q. Okay. And the -- whether you told her that
- 5 entire process or not, which seems to conflict with her
- 6 memory, as I've represented it to you, you can't testify
- 7 one way or the other, sitting here today, what actually
- 8 occurred in that conversation?
- 9 MS. HILTON: Objection, form.
- 10 A. That's correct, I have no recollection of the
- 11 details. Again, I can, if you want, tell you the
- 12 standard practice of what happens in both circumstances.
- 13 Q (BY MR. NOTZON) No, you already did. So I
- 14 think we're good. Thank you.
- 15 Did you do any review of her performance
- 16 as an assistant professor at A&M?
- 17 A. Can you repeat that again? Did I do -- did I
- 18 review any?
- 19 Q. Yes, yes.
- 20 A. I don't recall reviewing any of her
- 21 performance at A&M.
- 22 Q. Okay. So when she was -- when she applied and
- 23 she was selected as the top candidate in the second
- 24 search, that would not have been part of her application
- 25 process?

- 1 quantitative, or qualitatively, how you viewed her
- 2 performance at A&M?
- 3 MS. HILTON: Objection, form.
- 4 A. I don't recall that I focused on her
- 5 performance at A&M. What I focused on, personally, is
- 6 the talk that she gave and my impression of how novel
- 7 her research was and the feedback that my colleagues
- 8 gave on the interview process.
- 9 Q. (BY MR. NOTZON) Okay. And earlier you
- 10 testified about how well she was doing in the first
- 11 couple of years of her employment at UT and that she
- 12 fell off. What was she doing right during those first
- 13 couple of years? Do you have specific things in mind
- 14 where she was shining?
- 15 MS. HILTON: Objection, form.
- 6 A. So she was on the same -- I mean, she was
- 17 working on the same topics, as far as I recall, that we
- 18 hired her for, which, to me, was -- I mean, this was a
- 19 really nice topic, an innovative topic. Her teaching
- 20 scores were nice. They were good. There was no reason
- 21 for me to raise any issue with her.
- 22 I don't remember precisely what -- our
- 23 discussions. You know, like, I did not look precisely
- 24 at how many papers she's publishing; but, overall, she
- 25 seemed to be fine. And even if she had slowed down in

1 her publications at the time, I would not have been

- 2 concerned. So for that reason, my recollection is that
- 3 she was doing fine.
- 4 Q. Okay. So your testimony is based upon your
- 5 memory of that feeling of being okay with her
- 6 performance at that -- above the tenure level -- track,
- 7 that is?
- 8 MS. HILTON: Objection, form.
- 9 A. My -- my recollection is feeling good about
- 10 where she was, given where she was in her trajectory.
- 11 It wasn't about, you know, is she ready to be promoted
- 12 or not.
- 13 Q (BY MR. NOTZON) Right, I misspoke. That's
- 14 why right at the end I tried to add that in.
- 15 And "trajectory" is the word you used,
- 16 and I will use that word. She seemed to be on the right
- 17 trajectory?
- 18 A. That's right.
- 19 Q. Okay. And then, when she fell off that
- 20 trajectory, where -- did she fall off that trajectory on
- 21 all criteria or specific ones; and if you could,
- 22 identify the ones where you felt like she was falling
- 23 off?
- 24 A. Well, what started to happen -- and I can't
- 25 give you exact, precise dates -- I do recall that we

- 1 and I remember vaguely at the time that I also asked her
  - 2 to have a mentor out of the area, to assist with other
  - 3 issues that she raised in some of our conversations.
    - Q. And did she follow that instruction?
  - 5 A. I presume, yes; but I have no recollection of
  - 6 asking or, you know, confirming it one way or the
  - 7 another.

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- Q. So, just to clarify, you advised her to get a
- 9 mentor outside of the two individuals you named?
- 10 A. Outside of the area, not just those two
- 11 individuals. You know, the department is broken into
- 12 different areas. So I just said, "Okay. Let's find
- 13 someone who is going to advise you." The concerns that
- 14 she had were not about research, you know, how to, you
- 5 know, interact with other people in the department --
- 16 that's sort of what I remember -- and other issues along
- 17 those lines. And so I said, "Let's have another mentor
- 18 outside of the area who will not pass judgment on your
- 19 work, but could help you with other issues that you may
- 20 be navigating."
- 21 Q. Okay. And I'm just trying to clarify: That
- 22 other person would be other than the two people you'd
- 3 already named?
- A. Obviously, because those two people are in the
- 25 area.

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- 1 were in our temporary location in that UTA building;
- 2 and, you know, that might help us find exactly when that
- 3 happened. My colleagues in the area came to me and said
- 4 they were concerned that she wasn't publishing enough
- 5 and that if that continued, then we would have
- 6 difficulty with the promotion cases; and I wanted her to
- 7 succeed.
- 8 So we started to have conversations at
- 9 that point. I think my colleagues were her mentors, as
- 10 far as my understanding. That's what they told me.
- 11 They reached out and told her that they had these
- 12 concerns, and they asked me to also speak with her.
- 13 Q. Who came to you with concerns?
- 14 A. Constantine Caramanis did, and Sanjay
- 15 Shakkottai did.
- 16 Q. And were they her mentors, as well; or are
- 17 those two separate people?
- 18 A. They were her mentors, as far as I recall; and
- 19 they were the people who also prepared her case. So
- 20 that, you know, most likely means that they were her
- 21 mentors as well.
- 22 Q. Okay. And I'm just trying to clarify that
- 23 there was no one else that was coming to you with
- 24 concerns about her at that time?
- 25 A. These were the people who were closest to her;

- 1 Q. Okay. You know that. I don't know that, and
  - 2 maybe other people don't know that.
    - Okay. Did Dr. Nikolova's -- so is it
  - 4 your testimony that you don't remember anything specific
  - 5 that she was doing that she was not shining in that
  - 6 "middle period," let's call it?
  - 7 A. That's not --

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- MS. HILTON: Objection, form.
- 9 A. That's not what I said. I said they
- 10 specifically came and told me that they were concerned
- 11 about her publication rate.
- 12 Q (BY MR. NOTZON) Okay. And that's it?
- 13 A. That was their main concern at the time that I
- 14 recall. I mean, there may be other things; but that's
- 15 the one that stuck in my mind.
- 16 Q. Okay. Did you have any observations that you
- 17 felt like she wasn't shining, as you testified earlier?
- 18 MS. HILTON: Objection, form.
- 19 A. The fact that her publication record wasn't as
  - o strong, that she was no longer on the trajectory that we
- 21 expect for people at her stage of development was a
- 22 concern.
- 23 Q. (BY MR. NOTZON) Okay. And I want to be clear
- 24 that the falling off on the publication rate, was that
  - 5 in comparison to her prior rate or in comparison to

1 other faculty in the department?

- 2 A. This is a comparison to what is expected from
- 3 someone in her area.
- 4 Q. Okay. So a different area might have an
- 5 expectation of more or less papers; but for her area,
- 6 she was falling below the expectation of per-year
- 7 publication?
- 8 A. Again, I don't remember the exact numbers; but
- 9 my recollection today is that she was below the
- 10 expectation of any area. Some areas are more
- 11 complicated because they have experiments; and, you
- 12 know, it takes longer to publish papers. Some areas are
- 13 more theoretical, like, Evdokia's. She was below
- 14 anything that we had. That was my recollection.
- 15 Q. On a per-year basis?
- 16 A. On a per-year and cumulative basis as well.
- 17 Q. Okay. But when you answered the question
- 18 before, you were saying "below her area," because that
- 19 would be the relevant measure to be looking at, correct?
- 20 MS. HILTON: Objection, form.
- 21 A. That is correct. For me, that's what I do. I
- 22 look at your specific area.
- 23 Q (BY MR. NOTZON) Okay. And is it your
- 24 testimony that if she wasn't meeting it for any area,
- 25 that's maybe a heightened concern?

- 1 Q. -- or above a number?
  - 2 A. Above a number and -- yes.
  - Q. All right. Is there any particular document

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- 4 that we could look at to find out what that number is
- 5 related to Dr. Nikolova's case?
- 6 A. I don't know that there is a particular
- 7 document, but she must have provided you with lots --
- 8 you know, we had these discussions a number of times.
- 9 And we asked her to provide peers over the years so that
- 10 we can compare the numbers and she did provide peers
- 11 and these peers weren't necessarily peers that we would
- 12 consider as peers, but it's highly unusual for this
- 13 exercise to happen. I don't recall it happening with
- 14 any faculty member where, early on, we would have
- 15 several conversations asking you to show us others who
- 16 are in your area who seem to have similar publication
- 17 numbers.
- 18 Q. Okay. And was she able to show you that?
- 19 A. She did show me and she did show my colleagues
- 20 who raised the issues on that and their concerns were
- 21 that these faculty members were in different disciplines
- 22 and that numbers -- you know, she was basically
- 23 cherry-picking who to compare to and that this was not
- 24 going to be representative or relevant for our
- 25 discussion.

- A. That would be a heightened concern to my
- 2 colleagues because if that was the situation, then, when
- 3 promotion time came or when people would review her,
- 4 they would raise this, which they did.
- 5 Q. Okay. And, sitting here right now, can you or
- 6 can you not give us that number that would be the bare
- 7 minimum for either measure, either across any area or
- 8 her area specifically?
- A. No, I can't give you a number because this is
- 10 a relative number, so I have to look at that. You know,
- 11 I have to refresh memory. I've been out of this for two
- 12 or more years. The last promotion I did was probably
- 13 three years ago. So, I mean, these numbers aren't fresh
- 14 in my mind.
- 15 Q. Okay. And do those numbers change from year
- 16 to year?
- 17 A. They don't. And the numbers are -- you know,
- 18 you could have a very good year and a somewhat less good
- 19 year or bad year; and, you know, we sort of average
- 20 this. But if you're consistently not on the trajectory,
- 21 then that's a problem.
- 22 Q. Right. So you want your cumulative to be at a
- 23 number, and you want your per-year average to be at a
- 24 number --
- 25 A. That's correct.

- 1 Q. Her cherries weren't cherries?
  - A. They were not the right cherries.
  - 3 Q. Okay. So part of the tenure process is a
  - 4 third-year review, kind of the midway; is that correct?
  - A. That is correct.
  - 6 Q. And for these faculty members that are hired
  - 7 with teaching experience at a prior university, do you
  - 8 try to set that third-year review at the third year from
  - 9 the beginning of their teaching experience at the other
  - 10 school so that it's in the third year of the total six
  - 11 of the technically early period?
  - 12 A. No. That third --
  - 13 MS. HILTON: Objection, form.
  - 14 A. No. That third-year review happens at the
  - 15 third year of you being at UT.
  - 16 Q (BY MR. NOTZON) Okay. So if somebody goes up
  - 17 for promotion at the second year at UT, because they had
  - 18 four years or more somewhere else, then, there would be
  - 19 no third-year review?
  - 20 A. That's correct.
  - 21 Q. Okay. And that line of thought would continue
  - 22 for each subsequent year, third year, fourth year,
  - 23 et cetera?
  - A. Can you elaborate what you mean by this?
  - Q. Oh, you know, I guess we can go through it.

1 So at the third year, if they had three years or more at

- 2 a prior university, there wouldn't be a third-year
- 3 review because that would be the year they're going up
- for tenure; is that right?
- A. You lost me completely here. 5
- 6 Q. Okay.
- 7 A. What are you asking?
- 8 Q. I'll start over.
- A. Okay. 9
- Q. I asked you before about if somebody had two 10
- 11 years and four or more somewhere else, and you answered
- 12 that question already. So the next one is: Third year,
- third year at UT, with three or more years somewhere 13
- else, is there going to be a third-year review? And I'm 14
- 15 assuming not because that would be the year they go up
- 16 for tenure, technically?
- No, they're going to have a third-year review 17
- because the third-year review is mandated by UT in your 18
- third year at UT. 19
- Q. Okay. So they'd go through the third-year 20
- 21 review and the tenure review at the same time?
- A. If that happens because they would be going 22
- 23 through the promotion technically early, but the
- third-year review happens at the third-year review. We
- 25 can't do it technically early, and we can't do it

- where the candidate has to submit all of their material.
  - Then a committee is formed. That committee is formed
  - sometimes in November. Sometimes in October. Sometimes
  - in December. And most years the committee will look at
  - all of the cases in December. They will draft a first
  - report in either December or early January.
  - 7 Our practice in the department -- and I
    - can't speak to the rest of the school or university --
  - is to share that document with the candidate and then
  - ask the candidate if she or he feels there are factual
  - errors or there are redactions or edits they would like
  - 12 the committee to make.
  - 13 And then I go back to the committee, and
  - I forward to them the feedback from the candidates. The
  - committee can accept these changes and make the changes
  - or reject those changes. And then they provide a final
  - 17
  - 18 And then I have to write a memo, and then
  - the Dean has to write a memo. So in these memos, we
  - put, "Concur with the committee" or we put "Diverge with
  - the committee" and I can diverge from the Dean's opinion
  - 22 as well.
  - 23 Q. Okay. So when you're doing the third-year
  - review, you really only have two years of information to

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- Q. Okay. And I guess this is unique to this
- particular situation. When you go up for tenure in your 4
- sixth year, you actually apply for -- you start applying

1 technically late. It has to happen at a particular

- for it in the fifth year, right? 6
- A. So you -- okay. I mean, that math, I'm always
- confused on. Okay? But, basically, you need to look at
- my letters; and they would -- and I apologize because, I
- mean, it's been a while since I did this. Okay? 10
- 11 Q. Well, don't worry about it.
- A. Okay. 12

2 time.

3

- 13 Q. Don't worry about it. Okay. I think we'll
- 14 figure it out.
- So let me ask it this way: The 15
- third-year review, does it occur during the third year 16
- or after the third year? 17
- A. My recollection is that it occurs during the 18
- third year. I may be off, again. Okay? But that's my 19
- 20 recollection.
- 21 Q. In the spring semester or --
- A. We normally start these. So whenever there's 22
- 23 a review, there is a deadline; and I vaguely remember
- 24 that deadline to be October 1st -- and if I'm off. I'm
- probably off by, you know, a few weeks, not months --

- A. Yes. If my recollection is correct that it
  - happens during the third year, then, yes, you have two
  - years of documentation to work with.
  - Q. Okay. And if the person was hired with
  - teaching experience of another institution, would they
  - include that information as well, as part of a third-
  - year review?
  - A. The teaching evaluation at UT is pretty clear
  - that it is about UT, what you did at UT, not what you
  - did in other institutions. So the candidate could
  - 11 include information about how they did in -- at another
  - institution. The Committee doesn't have -- is not
  - 13 obligated to look at that at all.
  - Q. Okay. And for -- do you recall doing 14
  - 15 Dr. Nikolova's third-year review?
  - 16 A. Yes, I do.

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- Q. Okay. Well, I guess before I ask that
- question: What is -- you kind of went over a little bit
- of the third-year review process. Is there always a
- committee involved in the third-year review?
- 21 A. Yes, there's always a committee of peers
- 22 involved in the third-year review.
- 23 Q. Okay. Do the committee of peers interact with
- the faculty member; or do they just take the information
- from the dossier and speak with you about it, as the

1 Chair, that is?

- 2 A. They take the information from the dossier;
- 3 and any question they have, they have to funnel it
- 4 through me.
- 5 Q. Okay. So you're the liaison between the
- 6 committee and the faculty member?
- 7 A. That's correct.
- 8 Q. Okay. And were there any changes in that
- 9 third-year review between -- prior to Dr. Nikolova going
- 10 through the third-year review with you?
- 11 A. Changes to the process, you mean?
- 12 Q. Yes, sir.
- 13 A. I don't recall that there were any changes to
- 14 the process.
- 15 Q. Okay. So there's a Professor Tiwari, and he
- 16 went through a third-year review. Did he go through the
- 17 third-year review the year before Dr. Nikolova?
- 18 A. I don't remember when he was promoted or when
- 19 he went through his third-year review. If you look at
- 20 when he started, you can figure out what his third-year
- 21 review -- when his third-year review would have
- 22 occurred.
- 23 Q. Okay. And so is it your testimony that you
- 24 did the third-year review with Professor Tiwari the same
- 25 way, the same process that you used for Dr. Nikolova, or

- 1 Commitment; and, in fact, it is standard practice for us
  - 2 to put recently hired assistant professors on the
  - 3 Faculty Recruiting Commitment because, A, it gets them

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- 4 to know other faculty members; B, they're putting in a
- 5 fresh pair of eyes; and they help us recruit additional
- 6 people.
- 7 So that's something that we've done for
- 8 everyone; and I don't remember anybody coming back and
- 9 saying, "Oh, this has impacted me," or that that has
- 10 come up during promotion and tenure cases. And they
- 11 serve one year; they may serve a couple of years. They
- 12 don't serve six years on the Recruiting Committee.
- 12 doint serve six years on the recruiting committee.
- 13 Q. (BY MR. NOTZON) Okay. And so you're saying 14 every new hire assistant professor spends at least one
- 15 year on the committee?
- 16 A. I am not saying every. I am saying that it's
- 17 standard practice to do this. Some people might say, "I
- 18 don't want to serve." And sometimes we recruit six
- 19 faculty members. We are not going to put all six of
- 20 them on the Faculty Recruiting Committee. There is a
- 21 very limited number of slots for assistant professors.
- 22 So some people may not have served at all. If we hired
- 23 five and then the next year six, et cetera, you can
- 24 imagine that some would not serve at all.
- 25 Q. Okay. And I believe the records reflect that

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- 1 a different process?
- 2 A. It should be exactly the same process.
- Q. Okay. And that answer would be the same if I
- 4 asked you about any other faculty member while you were
- 5 the Chair?
- 6 A. That's correct.
- 7 Q. Okay. Do you recall Dr. Nikolova's service
- 8 for the department?
- 9 A. I recall that I appointed her at least once to
- 10 our Faculty Recruiting Committee and I also recall that
- 11 my colleagues were complaining that she wasn't attending
- 12 at least some of the meetings and she was not
- 13 responsive. And that complaint came up again during the
- 14 promotion process.
- 15 Q. Okay. Would you say that the faculty hiring
- 16 committee is one of the more time intensive committees
- 17 in the department?
- 18 A. That's correct.
- 19 Q. And so putting someone on the committee that
- 20 is in their tenure probation would be impactful of their
- 21 potential productivity compared to a lesser-demanding
- 22 committee; is that right?
- 23 MS. HILTON: Objection, form.
- 24 A. It is standard practice for us to put
- 25 assistant professors on the Faculty Recruiting

- - 1 Dr. Nikolova served two years in a row on the faculty2 hiring committee for the ECE. Does that sound familiar?
  - A. Again, I don't recall; but that's sort of
- 4 within the standard practice. If you serve one year, I
- 5 typically will ask you to serve another year. So
- 6 similar to the Promotion and Tenure Committee, where,
- 7 you know, we would keep you for a couple of years on the
- 8 committee.
- 9 Q. Okay. And does an assistant professor have
- 10 the right to turn that down?
- 11 A. Yes. I don't force anybody to serve on
- 12 anything. I mean, I'd come to you and I'd say, "Would
- 13 you like to serve on this committee?" And people will
- 14 say "yes" or "no." If it's no, it's no.
- 15 Q. As an assistant professor, you understand the
- 16 concern about saying no to your Chair when you're going
- 17 to go up for tenure --
- 18 A. Sorry for interrupting you.
- 19 The first thing I say to my assistant
- 20 professors is, "Be vocal. Anything you say, it's -- you
- 21 know, I'll take it. Nothing will be used against you."
- 22 And we haven't used that against anyone. And if this
- 23 was a problem, then every single assistant professor,
- 24 you know, would have knocked on my door and said, "I
- 25 want to serve on this committee." And I can guarantee

1 you that I would have had an easier time filling many

- 2 committees if people really felt that if they said "no,"
- 3 that I would take it against them.
- 4 Q. Okay. Do you understand that Dr. Nikolova was
- 5 also asked to be on the ME, the mechanical engineering,
- 6 hiring committee?
- 7 A. She -- so professors in our department and
- 8 other departments are asked to serve on committees in
- 9 other departments. This is solely at her discretion.
- 10 Being asked doesn't mean forced. So if she was asked
- 11 and she said "yes," she knew what she was doing. She
- 12 knew how she was spending her time; and, therefore, it's
- 13 her decision and not anyone's decision.
- 14 Q. Would you say that three years on a hiring
- 15 committee for an assistant professor during tenure track
- 16 is a laudable amount of service?
- 17 A. I don't know what the workload is when you
- 18 serve on the committee of another department. I know
- 19 the workload in our department, because we have one
- 20 committee for all areas in the department, not one per
- 21 area. So I don't know what she served on.
- 22 But, normally, in my letters of
- 23 promotion, if you have example of these letters, you
- 24 will see that in the service section, I will say that
- 25 "X" served our Recruiting Committee; and this is a

- 1 complaint or two, that you recall?
  - 2 A. What I recall is during the promotion and
  - 3 tenure discussion, that topic came up that people were
  - 4 concerned about her lack of engagement with the
  - 5 department; and that, also, I vaguely remember, came up

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- 6 in the third-year review, which, normally, the
- 7 third-year review, again, in the same spirit of people
- 8 supporting their peers, is usually written in such a way
- 9 that it supports the candidate when she or he goes up
- 10 for promotion. So the fact that it surfaced in that
- 11 document sort of sends a signal that, you know, maybe
- 12 she can do more, better -- be more engaged.
- 13 Q. Do you know if she was told these things at
- 14 the time she was on the committee?
  - A. I am pretty sure that -- well, not -- so I
- 16 don't know what my colleagues told her or did not tell
- 17 her. I personally didn't go back to her and saying,
- 18 "Look" -- or I don't recall going back to her; maybe I
- 19 did it -- and telling her: You need to do this or that.
  - But my recollection is that my colleagues
- 21 would have spoken with her and tried to engage with her;
- 22 and when forming other committees, my recollection is
- 23 some of my colleagues would come and say, "We wouldn't
- 24 want to have her because she would be counted as a
- 25 member of the committee, but she would not be doing the

- 1 committee that requires a lot of time and, you know,
- 2 therefore, I'm very grateful and, as you put it, it's a
- 3 laudable service to the department.
- 4 Q. Okay. Do you have any other recollection of
- 5 Dr. Nikolova's service during her tenure track period at
- 6 UT?
- 7 A. I don't, which doesn't mean that she hasn't
- 8 served on other committees or wasn't asked to do
- 9 something for maybe the centers to which she belonged.
- 10 Q. Okay. Would you testify that, as far as
- 11 service goes, that Dr. Nikolova exceeded the
- 12 requirements for tenure at UT?
- 13 A. You don't get tenure on service.
- 14 Q. No, I'm saying that criteria.
- 15 A. Well, that criteria, there's no real criteria
- 16 for that, meaning, that, you know, if you did light
- 17 service, that might be fine in a department. So, I
- 18 mean, I really can't -- you know, I really can't -- I
- 19 can't pass a professional judgment on what you're asking
- 20 me to do. I mean, she served on a committee; and I was
- 21 grateful that she served on that committee. Some of my
- 22 colleagues weren't happy with her service. That's the
- 23 only thing I can tell.
- 24 Q. And they weren't happy with her service for
- 25 the entire time she was there; or just, they had one

1 work."

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- Q. And do you recall who was complaining about
- 3 her work on the committee?
- 4 A. I can't give you names, but my recollection is
- 5 it was more than one person.
- 6 Q. You can't give me names because you would
- 7 prefer not to or --
- 8 A. No. If I remembered a particular name, I
- 9 would have given it to you, like, you know, earlier
- 10 about Ananth. If I -- had I not seen that e-mail
- 11 recently, I probably wouldn't have remembered that.
- 12 Q. Okay. Do you remember what the vote was of
- 13 the Budget Council vote. Step 1 vote. of whether or not
- 14 Dr. Nikolova should go up for tenure?
  - A. Obviously not. This was a few years ago, and
- 16 then there's a lot of votes. So, no, I don't remember.
  - Q. Okay. Do you remember -- well, I'll tell you
- 18 that the record shows that it was 32 to 1, with 2
- 19 abstentions and, I think, 2 unqualifieds. Do you
- 20 remember who the one "no" vote was?
- 21 A. You must be confusing votes because I don't
- 22 recall that in that first vote, we report---
- 23 Q. No, no, Number 2. Two.
- 24 A. Second vote?
- 25 Q. Second vote.

A. Oh, okay. Okay. So can you repeat? Sorry.

- 2 I thought you were talking about the first vote. Okay.
- 3 Sorry.

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- 4 Q. That's okay. 32, 1, 2, 2.
- 5 A. Okay.
  - Q. Do you know who the one "no" vote was?
- 7 A. No, there's no way for me to know who the one
- no vote is, as you also can't tell me who voted for
- 9 President X versus Candidate Y, right? So it's a
- 10 anonymous vote is another way of saying -- a long way of
- 11 saying it's an anonymous vote.
- 12 Q. Oh, you believe you're not allowed to tell me
- 13 who that is?
- 14 A. No, I cannot find out who that is.
- 15 Q. Oh, you wouldn't even know who it was when it
- 16 occurred because you weren't there for the vote?
- 17 A. The vote is an electronic vote, the same way
- 18 you'd vote for a president.
- 19 Q. Okay.
- 20 A. I know that you voted; but I don't know what
- you voted, right? It's the same thing. We go to a lot 21
- 22 of lengths to make sure that however you vote, no one is
- 23 going to be able to find out that vote.
- 24 Q. Now I understand. Thank you.
- 25 So nobody knows what anybody's vote is

- And she said, "No, from now on, you have
  - 2 to allow that person to vote."
  - 3 So sometime, '17, '18, it was the first
  - 4 time that the person on the P&T Committee was allowed to
  - vote in our regular Budget Council votes. 5
  - Q. Okay. So there -- so that means that that
  - 7 person would vote twice?
  - 8 A. Yes.

13

- 9 Q. Okay. Gotcha.
- 10 Do you recall that Dr. Nikolova had told
- you that she was being recruited by Duke University for
- a chaired position in the Fall of 2015?
  - A. I don't recall what happened in '15; or at any
- 14 point in time, I don't recall that precise conversation.
- However, when I looked at the letter that I wrote for
- 16 her, in the last few days, I see that at the end of my
- paragraph, there is some statement, if I recall
- correctly, that alludes to that.
- 19 Q. Okay. So the answer to my question is you
- 20 don't recall that happening?
- 21 A. I don't recall it happening in '15.
- 22 Q. Okay. Do you recall the conversation about a
- chaired position at Duke?
- 24 A. I don't -- no, I don't recall any of these
- details. So the only thing I recall is, when I read the

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- 1 except in your letter you wrote that you and other
- 2 professor were the disqualified people?
- A. Yes, because I vote through my letter. So I
- can't vote twice. And the other person was Mark Smith,
- who served on the Presidential Committee; and he cannot
- 6 vote twice.
- 7 Q. Okay. Wasn't there a professor that was also
- on the P&T Committee? He would be -- he would be 8
- disqualified too, right?
- 10 A. So up to some point -- and I don't remember
- 11 what that some point was -- '16, '17 -- sometime during
- Dean Wood's tenure, our standard practice within the 12
- 13 department was that if you served on the P&T Committee,
- 14 we asked you not to vote on the case at the department
- 15 level so that you don't vote twice on the case.
- 16 One year -- and I can't remember what
- year it was -- '16, '17 -- that was picked up by the 17
- Dean; and she asked me, "Why in your letter are you
- 19 saying that" -- at the time Mark Smith wasn't there, or
- 20 maybe he was there.
- 21 And I said, "We aren't able to vote."
- 22 She said, "Who's the third person" or
- 23 "Who's the second person?"
- 24 And I said, "The second person is
- 25 actually serving on the P&T Committee.

- 1 letter, yeah, that's the only thing I recall.
  - Q. Okay. I didn't ask about that. I just asked
  - 3 my question. So those details you don't recall?
  - 4 A. I don't recall the details.
  - Q. Okay. So in reviewing the -- your letter
  - following the Budget Council vote, your letter to the
  - Dean, would you consider that -- well, let me back up.
    - Do you consider yourself to have been a
  - strong supporter of Dr. Nikolova's tenure application in
  - the '18-'19 year? 10

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- 11 A. I consider myself as someone who wanted to
- 12 make sure that Dr. Nikolova stays as a productive member
- of the department; and so the way I wrote my letter, my
- communication with various people, was to say I would
- like to see her in the department, which essentially
- 16 means I would like to see her promoted.
- 17 Q. So would that answer be "no" to my question or
- 18 "yes"?
- 19 A. The answer to your question is yes, I was a
- proponent of having her promoted.
- 21 Q. My question was -- used the word "strong."
- 22 Were you a strong supporter?
- 23 A. What -- you know, your "strong" may not be my
- 24 "strong," so I can't answer that question.
- 25 Q. Okay. Maybe let me put it in words that you

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1 use. Were you a close-to-the-bar supporter of

- 2 Dr. Nikolova's, or were you a farther-above-the-bar
- 3 supporter of Dr. Nikolova's?
- 4 A. I think I answered this question earlier in
- 5 the morning where I said: My assessment was that she
- 6 was close to the bar. Whether she was slightly below
- 7 the bar or slightly above the bar, you know, I didn't
- 8 spend too much time on exactly where she was. I know
- 9 she was closest to the bar than any other candidate that
- 10 went up for promotion under my tenure. However, because
- 11 I knew what she was capable of delivering, I wanted to
- 12 give her the chance to shine again; and I wanted her to
- 13 stay in the department. And I was reasonably confident
- 14 that she was going to shine again. It was a bet. Some
- 15 people, you know, agreed with me; some didn't.
- 16 Q. Let's go ahead and look at your letter, and
- 17 it -- I'm going to put it in the chat here. And it was
- 18 previously marked as Exhibit 6. Do you see it there?
- 19 A. No, I don't see anything in the chat.
- 20 MR. NOTZON: Oh, dang it.
- 21 MR. DOWER: Robert, I think you may have
- 22 accidentally sent it to Bob again.
- 23 MR. NOTZON: I did it again. There we
- 24 go.
- 25 Q (BY MR. NOTZON) Do you see it now?

- 1 Q. Okay. There would be an e-mail trail about
  - 2 that?

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3 A. If she did provide feedback, yes, there would

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- 4 be an e-mail chain.
- 5 Q. Okay. And no one else contributed to the
- 6 letter?
- 7 A. I also said that Jilda, the person who helps
- 8 with our promotion cases, would have read the letter and
- 9 corrected typos, et cetera.
- Q. I should have said no one else other than
- 11 you've already testified to --
- 12 A. Yeah.

13

- Q. -- assisted with the letter; that's right?
- 14 A. That's correct.
- 15 Q. Okay. And in looking at this letter, if you
- 16 could, point out the items where -- and I'm going to ask
- 17 you two ways -- the items that let you -- that let us
- 18 know that you believe that she is close to or below the
- 19 bar; and then I'm going to ask you what you thought were
- 20 her above-the-bar items.
- 21 A. You have to parse the letter. And so the
- 22 second paragraph, it talks about an emerging pioneer; it
- 23 doesn't say she's a star. You know, some of the
- 24 comments at the end about why professors were concerned
- 25 about her. If you go and look at the section about

- 1 A. Yeah.
- 2 Q. Okay. Let me know when you're ready.
- 3 A. I opened it, so I am ready.
- 4 Q. All right. So this is your October 29th, 2018
- 5 letter. Did you write this letter?
- 6 A. Yes, I did.
- 7 Q. Did anyone else contribute to the language in
- 8 this letter?
- 9 A. No one else contributed to the language in the
- 10 letter. I did show the letter to Dr. Nikolova before
- 11 sending it up; and I also showed it to the person that
- 12 helps us with promotions, Jilda, who would have
- 13 corrected typos and, you know, words here and there.
- 14 Q. Okay. And did Dr. Nikolova provide any
- 15 requested changes?
- 16 A. I don't remember what she may have provided;
- 17 but, normally, candidates will correct some of my
- 18 statements. They may pick up and correct numbers. So,
- 19 normally, I do get feedback from them. They don't just
- 20 read it, and that's it.
- 21 Q. Okay. But you just don't remember what
- 22 Dr. Nikolova's response or contribution might have been?
- 23 A. No. I would have to go back and -- you know,
- 24 go and get the document that she sent me back or her
- 25 e-mail or something.

- 1 teaching, you will see me talk about some of the
  - 2 comments of the students. And something that would be
  - 3 picked immediately by every one is the fact that I
  - 4 mentioned that some of the same comments that undergrads
  - 5 made about her teaching were also made about -- by
  - 6 graduate students, which is highly, highly unusual. So
  - 7 these are some of the things --
  - 8 Q. Excuse me. Could you identify specifically
  - 9 where you're talking about?
  - 10 A. So if I -- if you look at the bottom of
  - 11 page 2, you will see that, "It's also interesting to
- 12 note that student comments in the two courses are
- 13 somewhat similar to the comments that she received in
- 14 EE360C, with many students praising her energy level and
- 15 enthusiasm and others complaining about boring classes
- 16 and solutions to homework not being provided in a timely
- 17 manner." So that would send a message.
- 18 And in the Presidential Committee, there
- 19 is one person that -- the Dean of Undergraduate Affairs,
- 20 whose job is to read every comment by every single
- 21 student who's taken a class of someone going up for
- promotion; and he would have provided furtherinformation about that to the Committee.
- 24 And I would also mention that even though
- 5 my letter, and maybe the Dean's letter, do mention

114 116 1 course instruction survey numbers, really, what matters 1 credibility issue. You know, if I write, "I strongly 2 in the Presidential Committee, to my understanding, 2 endorse this case" and the case is viewed as a weak 3 because this person makes sure that happens, is the 3 case, then the next time I write, "I strongly, you know, 4 comments of the students. So the fact -- it's not so endorse this promotion," you know, people may question 5 much what her numbers were, but the fact that there are the validity of my judgment. And so that's why I kept comments saying that she is boring or her whiteboard thinking about it for a time; but in the end, I was work isn't acceptable or that she's late turning on 7 willing to take the risk. 8 Q. Okay. And you skipped from teaching, down -solutions, et cetera. There are many, many more 9 comments if you dig through them. Those are the ones or you said -- I guess you said a few things about the 10 that will raise, also, some red flags in the research -- down to the bottom. Is there anything else 11 Presidential Committee but also to the Dean and in the letter that you haven't identified that --12 Promotion & Tenure Committee, et cetera. 12 A. Yeah, I'd have to take and read the whole 13 And these are things that, because at a 13 letter to pick up on things; but those are the ones 14 departmental level we were supportive, I had to mention that, you know, normally, if I were reading the letter, 15 them; but I did not highlight them the way that others I would read the second paragraph carefully. 16 may have. 16 Normally, I would read the third-year 17 Also, if you look at my research review; but in this particular case, it was sort of 18 statement, you'll see that I spent a lot of time on her immaterial. And I basically copied text from the earlier work and not as much time on the more recent 19 19 third-year review. work; and if you look at -- that's my recollection 20 20 The teaching load is standard boilerplate 21 because I haven't looked at the letters recently -- is language, so there's nothing that -- I mean, except when 22 that the letter writers for her also emphasize the work it talks about Evdokia in particular, so it's not 23 that we hired her for much more than the work that she 23 something I would pay attention to. did while at UT. And then --24 24 Then in the teaching, I would be looking 25 Q. You -for the student comments; and in particular how she's 115 117 A. And something that you don't know and nobody 1 doing in one versus the other, undergraduate versus 2 knows is at the very end, you know, when I was writing 2 graduate. the last statement, I had to write, you know, my last And in the research, I would be looking sentence, I spent hours and days deciding whether to 4 at evidence that -include the word, "I strongly endorse her promotion" or Q. Dr. Tewfik, let me interrupt you. Let's go 6 not. And the reason I included the word "strongly" is ahead and take a short break. It's been about an hour because I had heard from the then dean, Fenves, that that we've been going. Go ahead and read the letter. without that word, you're essentially dooming the case. And I'm going to ask you to finish your answer to my 8 9 So had I not put the word "strongly," question of, "What in the letter identifies her 10

essentially I knew that we were going to lose Evdokia. 11 So even though it took me a lot of time to put that word in the letter, in the end, I put it in there because I 12 13 knew that without that word. I would lose my case. 14 Q. And that's -- you're saying that's advice that 15 the prior dean, Fenves, had told you some years back? 16 A. That's correct. 17 Q. Okay. Kind of a word-to-the-wise thing?

18 A. Yes.

19 Q. Okay. So you were on the fence about it, and 20 then you eventually decided to go with it?

21 A. I wasn't on the fence. I mean, I wanted her.

I mean, you know, I've said repeatedly today that I

believed in her; and I wanted her in the department. 23

But I was on the fence on whether -- how to write this.

right? I mean, because part of it is there is also a

below-the-bar issues?" And then I'm going to follow it

with, "What in the letter identifies the above-the-bar

issues?" So, that way, you'll have a chance to review

the letter in detail. Is that okay?

14 A. Yeah, that's fine.

MR. NOTZON: Okay. Let's take a break.

16 THE REPORTER: We're going off the record

17 at 2:13 p.m.

15

18 (Off the record from 2:13 to 2:30 p.m.)

19 THE REPORTER: We're going back on the

record at 2:30 p.m.

21 Q (BY MR. NOTZON) Okay. Professor Tewfik,

could you -- are you ready to answer the -- finish

answering the question on: What in your letter

identifies the below-the-bar issues for Dr. Nikolova?

25 A. Okay. So, first off, because I don't know

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1 whether, I mean, everybody's on the same page here, my

2 letter is written to support a promotion case. So I

didn't write the letter to repeal the promotion case.

At the same time, my obligation is to present the facts.

So what I'm going to tell you is if I

6 were reading this letter, what are red flags that would

7 pop up and I would want to know more and pay more

attention to. And, you know, then we can go into what

would come across as strong points or strong

10 characteristics of the case. Okay?

11 Q. Okay. So just to clarify, so your answer is

12 nothing in the letter, to the uneducated, would identify

13 as subpar performance?

14 A. Yes. If I wanted -- I am not trying -- I

15 mean, there is no -- you know, this is not a secret

message that I'm trying to pass through the letter. 16

Okay? I am stating in the letter -- the letter is 17

18 written because I wanted to have Professor Nikolova

promoted. 19

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20 At the same time it is my obligation --

21 and, in fact, this is the first thing that happened,

like, within months from joining UT and meeting with the 22

23 President, he told me, "Your letters cannot be rah, rah,

24 rah letters. You have to present -- they have to be

factual. They have to present the weaknesses and the

strengths, and then we can have a discussion." Okay?

So if someone in -- you know, some

So that's what that letter is meant to do. Right?

professional is reading the letter, then, as they go

knew that that third-year review was done at the same

time as, essentially, the promotion case.

They would have picked also on that fact

that the last sentence says, "Post-tenure, it would be

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good for her to become more active both in leadership

activities internally and externally." That sends a

7 clear message that she's not there yet in terms of what

she should be doing there.

Okay. Then, in the teaching section, my

first sentence says, "Evdokia's instructor course

evaluation scores don't paint a complete picture of her

12 passion for teaching." Someone who is an expert would

read this and know that we have a problem here. This is 13

not going to be a strong teaching case. A strong 14

15 teaching case would say, "She's one of our best teachers

16 in the department," or something along those lines and

17 would have a lot of praise from the get-go. Okay?

18 Here, I'm starting by saying, "Don't just

19 get stuck on these scores because they don't paint a

20 complete picture." I go on to say that the course, the

undergraduate course, that she's teaching is a very

tough course, so, you know, to try to balance the impression that you might get if you just looked at the

24 scores.

25 But then if you look at the last sentence

1 of that paragraph, then you see that she's getting some

praise, but that she's getting also sort of redirect

flags. For someone on the Promotion Committee -- on the

Presidential Committee, the Dean of Undergraduate

Studies would pay a lot of attention to that; and he

probably would have gone and looked at other exemplars

of that, you know, "We wish she had more office hours,"

the lectures not being exciting, the ineffective

teaching of the teaching assistants, her whiteboard

writing, all these things would mean: Okay. Fine. 10

11 You're telling us not to look at her scores. We're

willing to believe you, but there seems to be other

13 issues. And you'll have to convince us that -- why are

you disregarding these other issues. Okay? 14

So to convince them why disregard these,

16 I had a paragraph that talked about the changes to

EE360C, that they were picked up by other professors. 17

18 Then I go to graduate courses, which tend

19 to have higher scores than the undergraduate course; in

this case, not really. They're about in the same range.

21 And then the end of that paragraph,

again, mentions the student comments; and you'll see the

praise about her energy level and enthusiasm. But then

vou'll see the comments about boring classes and

solutions to homework not being provided in a timely

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through the letter, when they see it's an emerging pioneer and if they've seen my letters for other

candidates, that would tell them that someone hasn't reached where we want them to reach: but they're on 8

their way to getting there. Okay? So it is saying I

believe in the potential of that particular person. 10

11 Now, it's up to them to agree or disagree with that.

In the third-year review, and knowing the 12

type of third-year reviews that Committees write and 13

knowing that these third-year reviews tend to be 14

supportive of the people that we're putting up, that we 15 would be putting up later for promotion, that the 16

language is very carefully selected, they would not have 17

known that this particular third-year review actually 18 went through a revision to just make sure that, you 19

20 know, it's as nice as possible; but they would have

21 picked on a few things in the first paragraph of that third review. 22

23 So for her promotion case to be as strong 24 as possible, they would have picked on the issue of slight increase of publication output. Okay? And they

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1 manner, which, for someone who's looking at the case, 1 changed." It doesn't say any of that.

2 would mean: Okay. Well, we still have problems here

3 because it seems to be a professor that isn't paying

4 attention to the needs of the students; and your first

and foremost duty, you're hired to teach students. So,

you know, are you taking this seriously? Basically,

7 this is the question that would arise from that.

8 Now, of course, my letter isn't the only

9 evidence they have. Again, they have the firsthand

10 knowledge of the student comments. So I tried to

11 balance this again by saying: Okay. You know, give me

12 the benefit -- or give her the benefit of the doubt

because she's done other things. She worked on the 13

14 Edison Lecture, et cetera.

15 On the research side of things, the

16 second paragraph talks about her work; but for someone

who's paying attention to what she's published when,

they immediately pick up the fact that this paragraph

and the next paragraph are essentially talking about the

20 work that she was doing early in career, in particular,

21 coming to UT and her first, maybe, year or two at UT.

22 And they would have picked that up, also, in the

23 recommendation letters that we got because the same

thing was there. So both of those, for some, I mean, it

would be great. Some people would say, "Yeah, this is

1 great. You know, she's a great researcher. She's had

well, this was her early work and that her later work,

agree with me that she has the potential.

had as much of an impact.

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2 an impact. She started something new." And they would

Others might get stuck on the fact that

which is what's in the next two paragraphs or next three

paragraphs, the work on tolls and the work on electric

distribution, that -- that is happening but may not have

Those who look carefully at the letters

would also realize that, for example, the toll work, the

letters of recommendation that we got, based on our

discussions with Evdokia were from people in her field,

not people in the field where the work would have an

impact. And, in fact, in my discussions with the dean

alludes to this in her letter -- because this is closer

to the dean's work -- she's a civil engineer -- she

didn't feel that this work was particularly impactful.

work and efficiency in electric distribution; and you --

And then the last paragraph is about the

at the very end of my paragraph, quoting from one of the

later on -- and she alludes to this -- I think she

2 Whereas, if you look at other letters,

3 you'll find them saying, "This is the first time that

this result was established." You know, "This was the

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first time that this was done." You know, "This was

something that no one knew about before." "This has

7 changed the work that the other professors are doing."

So all of these things -- so on the

research side of things, there is positive information; 9

but, again, there are potential red flags. I mean, in

my mind, if I were reading the letter and I wasn't the

Department Chair, maybe less then on the teaching side;

but there are issues there.

15 had to say that she's provided reasonable service to the

Then if I go down to Service, you know, I

department; and I had to acknowledge the fact that my

colleagues did say that her involvement was lower than

average. And, again, to counterbalance that, I put a

sentence that said, "Well, it's not a concern of mine

because of her personal circumstances." Okay? So I'm

not -- yes, I realize that, you know, this is not the

strongest service; but I'm just not concerned about it.

23 Okay?

24 So that's essentially how that letter

would be viewed by someone in the know. They would read

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1 the letter. They would pick up the strong points, and

2 they would pick up the weaknesses. And then they would

go into the dossier to further dig into the weaknesses

and the strengths.

Q. Okay. Do you believe you've just answered my

6 question for the strengths as well?

7 A. I do.

8 Q. Okay. On the third-year review portion, is

there a reason why you didn't raise the increased

publications that she had in '17 and '18 that were at a

11 greater rate than had occurred prior?

12 MS. HILTON: Objection, form.

13 A. I didn't -- I didn't write the third-vear

14 review. The Committee wrote the third-year review. So

they looked at her publications. They looked at the

cumulative rate, and their assessment was that there's a

17 problem there. And, in fact, the first version --

18 Q. (BY MR. NOTZON) Maybe you're misunderstanding

19 my question. I'm talking about the third-year review

portion of your letter, not the third-year review.

21 A. The third-year review portion of my letter

22 reports on the -- that section, in the normal letters,

state what the third-year review conclusion was, not my

opinion of the third-year review, and that what we did

since then. If there was a concern, how we addressed

doesn't say, "It brought." It doesn't say, "It

reference letters, there is a sentence that says, "Her skills may bring some fundamentally new insights." It

1 this concern. In this particular case, there was no

- 2 opportunity for me to say how we addressed this concern
- because we basically went up for promotion a few months
- 4 later.
- 5 Q. Well, you do say, "However, I do note" -- so
- 6 you provide two sentences of rebuttal to the third-year
- 7 review?

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that. Okav?

A. Yes.

review, correct?

A. Correct.

- 8 A. Because those two students -- this is not a
- 9 rebuttal. The third-year review said it would be good
- 10 to graduate a Ph.D. student; that's an unspoken
- 11 requirement at UT, which Evdokia was aware of. And to
- 12 make sure that that third-year review doesn't anchor in
- 13 people's minds that she doesn't have a Ph.D. student for
- 14 those who are old school and are tied to that, I had to
- 15 remind them that she did, in fact, graduate a student.
- 16 Q. That is an explanation that she took the
- 17 criticism from third-year review and even though it --
- 18 A. No, no, no. No, I'm very sorry. This is
- not -- she did not take the criticism -- you don't 19
- graduate a Ph.D. student by just, like this (witness 20
- snapping fingers.) Okay? Like, you know, graduate a 21
- student -- okay, three months later, we graduate a 22
- 23 student. The student had been working towards that, and

1 wouldn't have put her case forward because we knew that

this is not her responding to criticism from the

third-year review. We were on track for that.

Q. Okay. We'll let other people read the

going to take it. Whether you agree that that's a

sentence, "However, I do note that..." however they're

rebuttal or an answer to the advice or criticism in the

third-year review, we'll let -- we won't quibble about

let me get the question out. At the bottom of the first

"Post-tenure, it would be good for her to become more

Q. Okay. And then before that, it asks about the

paragraph of the Third Year Review section of this

actively involved in leadership activities internally

graduating a Ph.D. student and increasing her

publications, right? That's what that section was

recommending for her as the results of the third-year

Q. Okay. And in the next paragraph you identify

letter, Exhibit 2 -- I mean, Exhibit 6 -- it says,

and externally." Do you see that?

But let me just ask another question, and

- so her student was on track to graduate. And, in fact,
- 25 if the student wasn't on track to graduate, we probably

- that she, in fact, did graduate a Ph.D. student between
  - the third-year review and the tenure application; that

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- she also increased her publications with three
- conference papers in the interim, correct?
- A. Correct.

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- Q. Okay. And -- but you didn't put in that she
- had increased her leadership activities externally, at
- least, by being asked to return to the Simons Institute
- as an organizer with tenured professors in a national --
- internationally renowned conference, correct?
  - MS. HILTON: Objection, form.
- 12 A. Correct, I didn't write that and --
  - Q. (BY MR. NOTZON) Why not, since that occurred
- 14 in the Spring of 2018?
- 15 Because you don't get promoted for service.
- Okay? So the fact that you provided service isn't going 16
- to promote you. The two points that I alluded to in
- that last paragraph are two points that were essential
- for us being able to push the case forward. So without
- her graduating a student, a Ph.D. student -- and I
- wanted to make sure that somebody reading the letter and
- then anchoring on the third-year review, wouldn't say,
- "Why is -- why are we looking at this case if she had no
- Ph.D. student," when, in fact, she had a Ph.D. student. 24
  - And the statement about the three

- conference papers is because up to the very last minute
- 2 we were going to run into this objection. Okav. So before that first vote, we weren't sure whether we would
  - be able to put her case forward to the Budget Council or
  - not. Had these three papers not come through, had they
  - not been accepted during that time, she would have --
  - you know, she would have submitted those papers probably
  - sometime before the third-year review report because of
  - the review cycle. But had these three papers not come
  - through, we mostly would not have gone forward; and, in
  - fact, you have the e-mails, I'm pretty sure. You know
  - 11 that she's reported to me, "Oh, here is a paper that was
  - 12 submitted and accepted."
  - 13 And I said. "Great timing, exception." I
  - 14 didn't put that detail also in the letter.
  - 15 Q. Did you -- is it your testimony that service
  - 16 is not required for a tenure promotion?
    - MS. HILTON: Objection, form.
  - 18 A. No, that's not -- that's not my testimony.
  - 19 Q. I didn't think so. So let me ask a gues- --
  - let me ask: If, in fact, you're responding in the last
  - paragraph -- the second paragraph of the Third Year
  - Review section to specific statements that were made in
  - the third-year review about how she could be better,
  - that you didn't put in how she could be better in
  - response to one of the topics that they have there,

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130 1 which is a criteria for tenure, which is service? Why commented in other areas of her assessment; but you

- 2 didn't you put that in there?
- 3 MS. HILTON: Objection, form.
- 4 A. Okay. So I didn't put that in there because
- 5 not everything in her CV -- I mean, she talks about this
- in other places; and I didn't feel that this is an
- 7 essential part of the case, so I didn't put it in there.
  - Also, that information about the Simons
- 9 Committee is likely something that she shared with -- I
- 10 mean, unless this came -- and I don't -- I don't -- I
- 11 have no recollection of that -- unless this is something
- 12 that came sometime in August or July or June of that
- 13 year, it's something that the Committee likely knew
- 14 about or that she made the Committee aware of; and I'd
- 15 have to go back and look at the e-mails for that.
- 16 Q. Whether she let the Committee know or not,
- 17 it's whether you know or not, right?
- 18 A. No.

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- 19 MS. HILTON: Objection, form.
- 20 A. No, that's not true. The Committee has her
- 21 CV. The Committee -- she has -- she submits her
- 22 teaching statement. She submits her research statement.
- 23 She has -- the Committee has all of her reviews, and she
- 24 can submit any statement that she'd like; and when she
- saw -- and when she saw the first version of the

- didn't put it in here in response to this call for
- additional leadership activities, did you?
- 4 MS. HILTON: Objection, form.
- 5 A. You are making a number of statements and
- assumptions. You know, you're essentially telling me

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- 7 that if she serves on this committee, then that means
- that she is a superstar and needs to be promoted. I
- mean, you're making certain assumptions on the
- importance of that particular piece of information. I
- 11 am telling you that --
- 12 (Simultaneous speakers.)
- 13 Q. (BY MR. NOTZON) Just tell me why you didn't
- 14 put it in.

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- 15 A. You are making that assumption. I mean,
- you're telling me this is a prestigious -- I mean, all
- that stuff that you wrote, right?
- 18 Q. No, I'm asking you --
- 19 (Simultaneous speakers.)
  - Q. I'm reading from -- I'm reading from your
- 21 Budget Council's assessment.
- 22 A. My Budget Council assessment, this is other
- 23 people's assessment. So my -- my professional judgment,
- as I was writing this letter, is that what is important,
- the information that, in my professional judgment, is
- 131 133 1 going to be important for her promotion and to make her
  - 2 case the strongest was to say that: In fact.
  - 3 remember -- look at her dossier -- she has graduated a
  - 4 Ph.D. student and that she has published a few more
  - papers. Okay? That's my professional judgment. I
  - mean, if you want to question my professional judgment,
  - 7 it's up to you.
  - 8 Q. Well, I guess that's your answer to my
  - question is: The reason you didn't put it in there is
  - because, in your professional judgment, it was not
  - 11 helpful?

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- 12 A. Not it was not helpful; it was not necessary.
- 13 Q. Okay. It wouldn't have helped her be
- 14 considered for tenure?
- 15 A. It wouldn't have changed a decision, anyone's
- 16 decision on whether she should get tenure or not tenure.
  - The other two points would have changed.
- If somebody was for -- if somebody was: Okay. Is she
- above the bar or below the bar? That would have pushed
- 20 her below the bar.
- 21 Q. And that's because you have a feel for what
- 22 the P&T Committee's going to do, what Dean Wood's going
- 23 to do, what the President's Committee's going to do, and
- 24 what the President's going to do from your past
- 25 experience; is that right?

Committee write something that's more favorable to her. Q. And you're talking about this Budget Council?

A. I am talking about the Committee that wrote that third-year review.

1 Committee report and was able to provide feedback, she

2 would have provided all of the information to help the

- 7 Q. Okay. I'm not talking about the third-year
- review. I'm talking about the things that have happened 8
- since the third-year review that are relevant to her
- promotion to tenure application, which you include in 10
- 11 the second paragraph of your letter in the Third Year
- 12 Review section. That's what I'm referring to.
- 13 A. You are --

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- 14 Q. You put in -- the points that you put in that
- second paragraph are not in her third-year review. 15
- 16 That's information that was obtained since that
- third-year review was completed, correct? 17
- 18 A. That is correct. So --
- 19 Q. No, no, please answer one question at a time.
- 20 And so you know that she was a part of
- 21 the Simons Institute in the Spring of 2018 and that she
- was an organizer. She was invited to be an organizer

called back. It is a very prestigious and competitive

- and not just a participant, and this is -- she was 23
- event, and it is a high-profile event. And it's

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1 MS. HILTON: Objection, form.

- A. It is because I have a feel for that and I
- 3 have a feel and I heard my colleagues in the discussions
- 4 with the Budget Council.
- 5 Q. Wait. Wait. Hold on. No. The Budget
- 6 Council would have no role to play in the decision
- 7 making above because that's what this letter's for.
- 8 This letter's not going to influence the Budget Council,
- 9 correct?

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- 10 A. It doesn't influence the Budget Council; but
- 11 having heard --
- 12 (Simultaneous speakers.)
- 13 A. -- but having heard what the Budget Council
- 14 people are saying, I know what's important for a
- 15 Promotion and Tenure case. I know that the Budget
- 16 Council didn't spend a ton of time on whether she served
- 17 on the Simons Institute or not; but I know they spent
- 18 time on the publications and I know that in previous
- 19 cases if you didn't have a Ph.D. student, that
- 20 essentially torpedoed your case. And --
- 21 (Simultaneous speakers.)
- 22 Q. Let me clarify. Are you saying that the
- 23 Budget Council's input into your decision of whether or
- 24 not to put the Simons Institute information in that
- 25 paragraph is that they were also operating with their

- 1 clarify your statement.
  - 2 A. I am clarifying my statement. Each of us has
  - 3 the duty of issuing a professional judgment on whether a

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- 4 person "X" is -- should be promoted or not. When we
- 5 make that professional judgment, we emphasize certain
- 6 pieces of information and other pieces of information we
- 7 take into consideration and we don't emphasize them.
  - When I wrote that statement, I emphasized
- 9 the pieces of information that, in my professional
- 10 judgment, are relevant. And, furthermore, these pieces
- 11 of information is what I think other people will also
- 12 look at carefully when making their judgment on whether
- 13 to promote or not.
- 14 These other people's duty is to read the
- 15 entire dossier. No one has removed the Simons
- 16 Institute -- mention of the Simons Institute in the
- 17 dossier. I didn't do it. The Budget Council didn't do
- 18 it. The P&T Committee didn't do it. The dean didn't do
- 19 it. It's there, and it's everybody's duty to read the
- 20 entire dossier before making a decision.
- 21 Q. And it's your duty to make a strong
- 22 presentation of your faculty member, going forward with
- 23 accurate information, both positive and negative?
- 24 MS. HILTON: Objection, form.
- 25 A. I -- I think I answered this question. I told

knowledge about what would happen above you?

2 MS. HILTON: Objection, form.

- 3 A. They're not -- it's not a question of
- 4 creating with their knowledge above me. It is our
- 5 professional judgment of what pieces of information are
- 6 very relevant and what pieces of information are less
- 7 relevant and which are in the rest of the dossier.
- 8 People are supposed to read the whole dossier. They
- 9 don't just read my letter, and that's it.
- 10 Q (BY MR. NOTZON) Professor Tewfik, what --
- 11 you're saying that it wouldn't change anybody's
- 12 decision; and anybody's decision is anybody's decision
- 13 above you, correct?
- 14 A. Correct.
- 15 Q. Okay. So -- all right. So when you say you
- 16 relied on your experience about what would happen above
- 17 you and the other members of the Budget Council, I'm
- 18 just finishing the sentence for you that it's other
- 19 members of the Budget Council's understanding of what
- 20 would happen in the decision-making process above you,
- 21 correct?
- 22 MS. HILTON: Objection, form.
- 23 A. You -- I don't know where you want to go with
- 24 this.
- 25 Q (BY MR. NOTZON) I'm just asking you to

1 you that in my first few months at UT when I met the

- 2 president, he told me that my letter should not be a
- 3 rah, rah, rah for the person that we're putting up for
- 4 promotion. I should discuss --
  - MR. NOTZON: Object as nonresponsive.
  - Q. (BY MR. NOTZON) I didn't ask that.
- 7 A. That's what you asked.
- 8 Q. No. It would make this process go a whole lot
- 9 faster if you'd just answer my question.
- 10 Do you agree or do you disagree that the
- 11 Simons Institute is a big deal?
- 12 MS. HILTON: Objection, form.
- 13 A. Define "a big deal." It could be a big deal
- 14 to you.

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- 15 (Simultaneous speakers.)
- 16 Q (BY MR. NOTZON) In the field that
- 17 Dr. Nikolova operates.
- 18 A. It's a nice recognition, but what's "a big
- 19 deal"? I mean, a big deal means that you do this, you
- 20 get promoted; or it's a big deal, you get this; and we
- 21 give you an award? What is "a big deal"? We give you a
- 22 huge raise? What is "a big deal" to you?
- 23 Q. Is it competitive to participate in?
- 24 A. I have no knowledge of that because I'm not in
- 25 her field.

1 Q. Haven't you read the letters?

2 A. I've read the letters, but that -- that

3 doesn't tell me whether -- you know, how important that

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5 Q. It doesn't -- they don't actually specifically

6 state that to you?

MS. HILTON: Objection, form.

A. I read the letters, and that was my

9 assessment. And, furthermore, at this moment in time, I

10 don't remember the letters. So if you want to show me

11 the letters, we can look at the letters and read them

12 and then we can debate how important it is or it's not.

Q (BY MR. NOTZON) The truth is you read the 13

14 letters back in; and you made your decision back then,

15 correct?

16 A. I read the letters --

MS. HILTON: Objection, form.

18 A. -- back then; and I made a decision back then,

19 yes.

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20 Q (BY MR. NOTZON) Okay. Did you ever tell

21 Dr. Nikolova that she had a not strong, or even a weak

22 case, prior to her going up?

23 A. As I mentioned sometime ago, I mean -- I don't

know -- half an hour ago or in one of the questions, up

to very close before the Budget Council, we were unsure

1 recommend going up for promotion at this time?

2 A. I told her that if we -- my recollection is I

told her that if these paper did not go through, that we

should not go up for promotion at this time.

5 MS. HILTON: Robert, can we take a brief

6 break?

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7 MR. NOTZON: In a little bit.

8 MS. HILTON: Okay.

Q (BY MR. NOTZON) So in your letter, you

mention -- in Exhibit 6, at the beginning, you mention a

couple of professors in that second-to-last sentence of

the second paragraph?

A. Yes. 13

14 Q. Who were those?

15 A. I told you that we -- the votes are anonymous,

and the comments are anonymous. So I don't know who

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18 Q. Okay. It doesn't say that those were

19 anonymous. That's why I'm asking.

20 A. It does say, "My colleagues expressed support

for Evdokia during the promotion case and in the

anonymous comments submitted with the vote."

23 Q. That's a separate sentence.

24 A. Well, I didn't write that in the next

sentence; but that's -- the next sentence referred to

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1 whether we would be able to put her up for promotion or

2 not because we were waiting for the results of the

3 papers that she had submitted to conferences. That

4 sends the message that there is a problem, that this is

not a strong case. If this were a strong case, we would

6 have known a year in advance or nine months in advance

7 that we're good to go; nothing to worry about.

8 MR. NOTZON: Object as nonresponsive.

Q (BY MR. NOTZON) Professor Tewfik, did you

tell Dr. Nikolova that you felt that she had a weak

11 case?

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12 A. I don't recall what I specifically told her or

13 not, but what I do recall is what I just mentioned a

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15 Q. What you mentioned is facts; but you didn't

mention a conversation between you and Dr. Nikolova,

which is what my question is. 17

18 A. I'm -- well, those facts are because these

were conversations I had with Dr. Nikolova that, "We 19

need additional publications for your case to make it

21 through." And this is why she did let me know when her 22 papers were published.

23 Q. Thank you. That's what I'm trying to get

24 clarified, that you actually told her this.

Did you tell her that you didn't

1 those anonymous comments.

Q. Okay. Now, the "weak engagement in the

department and the wireless communications and

networking center, the WNCG," so was it a combination of

the department and the wireless communications; or was

6 there a focus on one or the other?

7 A. Different people had different opinions.

8 Q. Okay.

A. And I have no way -- so, first of all, these

10 comments surfaced a number of times, including in the

Budget Council meeting and including in the anonymous

comments; but in the anonymous comments, I have no way

of knowing whether the person belongs to WNCG or not.

14 Q. Okay. And it does say "a couple," a couple

15 out of 35 people -- or 37 people, that's not very many?

16 A. This is two in the anonymous comments. And

17 you could take it that way, yeah, the only two submitted

of these types of anonymous comments. And that may be

your view. And -- but in the Budget Council, people did voice that concern before and after the Budget Council.

So it's not the concern of two people. It's the concern

of many people, some of whom -- or most of whom elected

Q. And when you say "after the Budget Council,"

23 not to provide any anonymous comments with their votes.

25 you're talking about the Budget Council vote on

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1 Dr. Nikolova?

- 2 A. Yes.
- 3 Q. Okay. And did you ever tell Dr. Nikolova that
- 4 you felt that, based upon your prior testimony, that if
- 5 she would have been a man, she would not have been voted
- 6 up?
- 7 A. I don't remember sharing that information with
- 8 her.
- 9 Q. Okay. Did you share that information with
- 10 Dean Wood?
- 11 A. No. This is my own assessment; and there is
- 12 no reason for me to share this information with
- 13 Dean Wood, in particular, that I wanted Dr. Nikolova to
- 14 be promoted, not to not be promoted.
- 15 Q. Okay. Did you share it with any members of
- 16 the ECE faculty?
- 17 A. No, I don't share these types of opinions with
- 18 anyone.

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one way or the other?

- 19 Q. Did anyone in the ECE Budget Council make such
- 20 a statement?
- 21 A. Yes, people made such a statement; and there
- 22 is -- my recollection is in the anonymous comments,
- 23 there was at least one statement along those lines.
- Q. Okay. Is that the only place you saw that
- 25 reference to if Dr. Nikolova was a man, she would not

1 have been voted up, was just in the anonymous comments?

A. You know, this may have come up in the verbal

discussions. So in terms of something written and where

Q. So is your testimony that it may have occurred

making the possibility there because you don't remember

A. I don't remember one way or the other; but the

retain her because we don't have enough female faculty

members." So you can extrapolate from that and make

Q. So when that comment was made, you did not

vour own, vou know, decision or conclusion.

A. I don't intervene in the Budget Council

discussions because I have my own opinion, so I just

Q. And nobody else intervened to ask what was

A. I don't recall the -- you know, this has been,

Q. Is it your understanding from that comment

remember exactly what -- precisely who said what and who

like, three years ago, almost. I don't -- I don't

explore the basis of that comment?

meant by that comment?

responded to whom.

listen. People discuss it, and they vote.

issue that came up that as discussion is, "We want to

I can look at and recall, that's where I can point to.

verbally as well, or you don't remember; you're just

- 1 that it was -- that because she was a woman, the vote
  - 2 was going that way to support tenure; or was it that,
  - 3 "Hey, we just want a woman" -- not -- scratch.
    - That, "It's good that she's a woman
  - 5 because we need more women"?
  - 5 Decause we need more women?
  - 7 A. I don't understand what you're asking.
    - Q (BY MR. NOTZON) Okay. Your take on the

MS. HILTON: Objection, form.

- 9 comments -- comment or comments, plural, whichever they
- 10 were, is that, had she been a man, she probably would
- 11 not have been voted up?
- 12 (Simultaneous speakers.)
- 13 MS. HILTON: Objection, form.
- 14 Q. (BY MR. NOTZON) I'm sorry?
- 15 A. That's correct.
- 16 Q. Okay.
- 17 MR. NOTZON: We can take a break now.
- 18 Sorry, Ms. Hilton.
- 19 MS. HILTON: Thank you.
  - THE REPORTER: We're going off the record
- 21 at 3:07 p.m.

20

- 22 (Off the record from 3:07 to 3:19 p.m.)
- 23 THE REPORTER: We're going back on the
- 24 record at 3:19 p.m.
- 25 Q (BY MR. NOTZON) Okay. I just want to finish

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- 1 up that kind of -- that area of questioning, Professor,
  - 2 on the number of people in the department that kind of
  - 3 held this belief that we were talking about that the --
  - 4 the one about Dr. Nikolova having issues of engagement
  - 5 with the department or the wireless part.
  - 6 There was -- you said there was a couple
  - 7 of anonymous complaints, and then there were people on
  - 8 the Budget Council verbally conveying this. Do you have
  - 9 a sense of the number of people that were conveying
  - 10 this?
  - 11 A. No, I don't. You know, I didn't count people;
  - 12 but if I were to make a general statement, I would say
  - 13 that the vast majority of the professors in WNCG shared
  - 14 that opinion. And those who served with Evdokia on the
  - 15 Recruiting Committee also shared that opinion.
  - 16 Q. And if you counted all of those numbers
  - 17 together, total -- and I know you're not saying
  - 18 everybody -- but what would the upper limit of that
  - 19 number have been?
  - 20 A. I can't give you an answer because I'd have to
  - 21 go back and I really would have to look at how many
  - 22 professors are full professors, not associate
  - 23 professors, assistant professors in WNCG and which --
  - 24 something that would be more difficult is to go back and
  - 25 look at who served with Evdokia on, you know, the

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1 Recruiting Committee and who I may have staffed for

- 2 other committees and who may have served with her on
- 3 this Recruiting Committee and who spoke and -- you know,
- 4 I wouldn't be able to even remember who actually spoke
- 5 up during the Budget Council meeting, as opposed to
- 6 before or after.
- 7 Q. Okay. But just in terms of an upper-limit
- 8 number of those two committees, of how many people were
- 9 on those two committees, you don't have a ballpark
- 10 figure?
- 11 A. No. You know, I vaguely remember that WNCG
- 12 might be about a third of the department; but then, out
- 13 of that third, how many are professors and how many were
- 14 professors in 2018, I just don't remember.
- 15 Q. Okay. Because it would only be the full
- 16 professors that would be at issue on these comments?
- 17 A. Right, correct.
  - Q. So you can't say more than 10, less than 10;
- 19 more than 20, less than 20?
- 20 A. No, I couldn't.
- 21 Q. And there's no way to recreate that, correct?
- 22 All those verbal comments, there's no documentation of
- 23 that?

4 Council?

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22 area.

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part prior to going up?

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- A. No, there's no documentation of that, yeah.
- 25 Q. Would it be fair to say -- and this is the

1 last time I'm going to -- I think I'm going to try to

3 that it was less or more than half of the Budget

2 test your memory on this issue. Would it be fair to say

A. I really wouldn't be able to answer that

it. Others may have discussed it with those same

survey, I have no way of giving you an answer.

6 question because some people are vocal and they'll say

reflected in their vote or in some other comment they

made. I have no way of -- you know, short of having a

there was this level of displeasure or concern with her

17 Dr. Nikolova, again, when we were in the UTA building

lack of engagement in the department and the wireless

A. I vaguely remember having a conversation with

around that topic; and she, in turn, mentioned a concern

discussions between different people. And this is when

Q. Did -- when you were having a meeting with --

remember in the Spring of 2018 -- which would have been

of not being involved enough in WNCG meetings and

I suggested to her to pick up a mentor outside of her

well, I guess, let me -- let me ask it this way: Do you

Q. Okay. Did you ever let Dr. Nikolova know that

people, you know, outside of a meeting; and then, that's

- 1 the period of time that the Budget Council is going
  - 2 through Step 1 of Dr. Nikolova's tenure consideration;

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- 3 is that correct?
- 4 A. That's correct.
- 5 Q. And then -- and she was -- was she on campus
- 6 at that time, or was she away at Simons?
- 7 A. I have no memory of that. I know that I spoke
- 8 with her one -- I think -- I believe I spoke with her
- 9 once -- at least once, I believe -- and I may be
- 10 completely wrong -- in person. I know that we had a
- 11 discussion of -- I vaguely remember having a discussion
- 12 of maybe meeting with her in California because I was
- 13 going to fly to California, and that didn't happen
- 14 because my mother passed away around that time. So she
- 15 might have been in California for some reason, or she
- 16 might have been in California for the entire semester.
- 17 I don't know -- I mean, I don't remember.
- 18 Q. That's a long way of asking: Did you know
- 19 that she was pregnant during that semester, Spring of
- 20 2018?
- 21 A. I mean, unless she told me. I mean, it
- 22 doesn't -- I don't remember she telling me, but she may
- 23 have told me; and, you know, that wouldn't have changed
- 24 anything, so -- meaning, during that semester.
- 25 Q. No, I'm not asking if it would change

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- 1 anything. I'm just asking if you knew. And I'll
  - 2 represent to you her second child was born in June of
  - 3 2018. So, you know, she would have been pregnant since
  - 4 September, on, kind of thing; and so I just didn't know
  - 5 if that was a known issue for you. And then she ended
  - 6 up taking her Modified Instructional Duty for that
  - 7 second child in the Fall of 2018, which would have been
  - 8 the beginning of the consideration period for the
  - 9 tenure, correct?
  - 10 A. I don't remember the details of pregnancy and
  - 11 when she went on Modified Instructional Duty or not;
  - 12 but, you know, yes, she took -- she took Modified
  - 13 Instructional Duty semesters off. I don't remember how
  - 14 many or when.
  - 15 Q. Okay. Well, would it be accurate that you
  - 16 would have known at the time in the summer that her
  - 17 dossier's being prepared that she had just given birth?
  - 18 MS. HILTON: Objection, form.
  - 19 A. So we -- normally -- and I don't -- I don't
  - 20 remember what happened during that period of time; but
  - 21 normally what happens is the faculty member comes to me
  - 22 and says, "I'm pregnant" or "My wife is having a baby"
  - 23 or "My partner's having a baby"; and then we have a
  - 24 discussion. "Okay. When do you want -- when would you
  - 25 like to take your semester off?" They don't do this at

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1 the last minute. They normally do this far in advance.

- 2 So I would have to assume that if she did deliver in the
- 3 Summer of 2018, that she would have let me know sometime
- 4 in advance of that that she was pregnant. We would have
- 5 had that conversation, and we would have filled the
- 6 required paperwork around that time.
- Q. And so if she -- when she took the Modified
- 8 Instructional Duty in the Fall of '18, that that would
- 9 be known to you and the department. Would it -- would
- 10 it also be something that the college would know?
- 11 MS. HILTON: Objection, form.
- 12 A. Yes. In recent years, this would be something
- 13 that the college would be aware of because in my first
- 14 years as Department Chair -- and I don't remember
- 15 exactly when the transition happened. Maybe it happened
- 16 when Dean Wood became the Dean; maybe it happened
- 17 shortly thereafter. I don't recall.
- 18 In the first few years, the faculty
- 19 member would come to me. I would give them the Modified
- 20 Instructional Duty, and it stayed at the department
- 21 level. At some point during Dean Wood's tenure, I was
- 22 required to write the memo and that memo needed to go to
- 23 the Dean and, you know, there was some discussion and
- 24 then they would say, "Approved."
- 25 Q. Okay. And so that change in the process would

- 1 you came to me; you said, "I'm pregnant" or "My wife is
  - 2 pregnant," I gave you your Modified Instructional Duty.

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- 3 And that was the end of the story.
- 4 And, as I mentioned, when Dean Wood
- 5 became dean, at some point she said, "No, you can't do
- 6 this on your own. You really have to refer this to me;
- 7 and then I will say 'yes' or 'no.'"
  - Q. Okay. And so there's -- the only way to know
- 9 when that change happened is when those memos started
- 10 getting written and approved?
  - A. That's correct, yes.
- 12 Q. There's no -- there's no writing from the
- 13 Dean's Office that says, "This is the new policy on
- 14 Modified Instructional Duty"?
  - A. I don't remember such an e-mail; and, again,
- 16 we were probably the only department that had it to that
- 17 level. I mean, others had it, you know, like, instead
- 18 of teaching two courses, you might teach one course. So
- 19 I suspect that there was no e-mail blast to all the
- 20 departments saying that this is happening because the
- 21 change, really, was targeted at ECE.
  - I may have received and e-mail from the
- 23 dean or associate dean saying, "From now, you do this"
- 24 or I may have gone into a meeting and said, you know,
- 25 "'X' is going on Modified Instructional Duty," and they

- 1 have occurred shortly after Dean Wood became the dean?
- 2 A. I honestly don't remember exactly when it
- 3 happened, but it happened. I mean, this was part of a
- 4 lot more -- you know, more memo-writing requirements
- 5 over a period of time.
- 6 Q. Okay. So you would have to approve the
- 7 Modified Instructional Duty first and then send it up.
- 8 If you approved it, then the Dean would then have to
- 9 approve it?
- 10 A. Yes.
- 11 Q. And if you denied it -- or I don't know if you
- 12 ever have denied it. Have you ever denied a request for
- 13 Modified Instructional Duty?
- 14 A. So before I came to the department, there was
- 15 no such thing that if you became pregnant, we would give
- 16 you a month off teaching; and, in fact, in other
- 17 departments, that does not exist. They may lighten your
- 18 teaching schedule, but they will not take you off
- 19 teaching.
- 20 When I arrived in the department, the
- 21 first thing I said is, "We need to be friendly to our
- 22 professors. We need to be friendly to families, and
- 23 this is what I'm going to do." And since this was on
- 24 the department's dime, nobody objected. And, initially,
- 25 because it was just the department, I could do it. So

- 1 said, "Oh, from now on, you'll have to ask our
  - 2 permission
  - 3 Q. Do you remember who the first person is that
  - 4 you had to write that memo for?
    - A. No, I don't.
  - 6 Q. Okay. And so that memo that you would write
  - 7 requesting Modified Instructional Duty to the dean for
- 8 approval and the dean's approval would be kept in the
- 9 faculty member's file?
- 10 A. I don't think so. Maybe in the faculty
- 11 department's file at the college level, not at the
- 12 department level.
- 13 Q. Okay. So you'd get a copy of the approval or
- 14 notice of the approval, but you wouldn't get the actual
- 15 approved memo?
- A. I would get an e-mail saying, "Approved." You
- 17 know, I wouldn't get -- I don't remember. Maybe at some
- 18 point they were sending memos saying, "Approved." But
- 19 it's more likely that it was just an e-mail saying,
- 20 "Approved."
- 21 Q. Okay. And then do you forward that e-mail to
- 22 the faculty member?
- 23 A. No. Normally, once we started having that
- 24 requirement, we would tell the faculty member that we're
  - 5 good to go. The most important person to know that this

1 is -- that it's been approved is really the departmental

- 2 executive assistant, who then makes sure that, you know,
- 3 that's taken care of.
- 4 Q. Oh, and just to close that -- that process
- 5 box, in your memo requesting approval from the dean for
- Modified Instructional Duty, are you identifying what
- 7 the faculty member's going to do in lieu of instruction?
- A. Yes, because when I started this policy and I
- had to fit it under the UT policy, which has no such 9
- 10 allowance, I had to -- because I could have -- even
- 11 before the requirement for the memos, the provost or the
- 12 dean could have said, "What is this faculty member
- doing? You have no right to do this." 13
- 14 I would -- I would make sure to talk with
- 15 the faculty member; and I would say, "The faculty member
- 16 will be working on developing a new course" or will be
- doing something else that doesn't require, you know,
- 18 being somewhere at a given time, you know, twice a week
- or three times a week, et cetera. So there was always
- 20 an explanation of what the faculty member would be
- 21 doing, even before the memo requirement.
- 22 Q. Okay. Which makes sense, yeah. So do you
- 23 remember -- you know, do you remember writing a memo for
- 24 approval from Dean Wood for Dr. Nikolova?
- 25 A. Well, the fact that Dr. Nikolova had, I don't

- 1 correct?
- 2 A. No, I would have had much earlier
- 3 conversations. So every year I do meet with the dean
- 4 and associate dean, and we talk about potential
- promotion cases. And during these meetings, they
- don't -- they don't -- they cannot veto any case. They
- have no authority to say: Yes, you can or cannot put
- somebody up for promotion. But what I'm doing at these
- meetings is I present the information and I hear what
- they're saying. I look at their body language, and I
- 11 come back with an assessment, if we went forward, are
- they going to be supportive or not. And if they're
- 13 not -- in my opinion, if they're not supportive, then I
- 14 would go back and huddle with the faculty member and the
- 15 mentor of that faculty member; and we would decide do we
- go forward or not. 16
- 17 Q. Okay. So when is the first one of those
- conversations you recall regarding Dr. Nikolova?
- 19 A. I have no recollection of when that first one
- 20 was. I remember that Dr. Nikolova was keen on getting
- promoted. So I know that we had a number of
- conversations around promotions before 2018. When was
- the first one, I don't know. You know, it could have
- 24 been '17; it could have been '16. I don't remember.
- 25 Q. Okay. Oh, and just to make sure we identify

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- 1 know, two or three -- I don't know how many -- Modified 2 Instructionals -- three? Okav. So she had three, means
- 3 that I had to write a memo at least twice, most likely,
- 4 three times to get it approved.
- 5 Q. Okay. And it's two before she -- or two
- 6 before and during her tenure consideration, just to be
- 7 clear. That third one was most recently, so.
- 8 Did you ever have conversations with Dean Wood about Dr. Nikolova's pregnancies, one, two, or
- 10
- 11 A. No, that's not something that I engage in,
- 12 have conversations about pregnancies or any other family
- 13 issues. For the pregnancies and family issues in which
- I would have to give a Modified Instructional Duty, 14
- 15 meaning, it would span an entire semester, I had to 16 write an memo. So that was the extent of the discussion
- is, you know: There are these circumstances. I'm 17
- providing Modified Instructional Duty, and that was it. 19
- And there was no other discussion about that. 20 Q. And so -- and just to follow on from that, you
- 21 had -- let me see if we can reconstruct the number of
- conversations you had with Dean Wood about
- Dr. Nikolova's candidacy for tenure. Okay? So you 23
- would have had the first discussion with her after
- Step 1 vote of the Budget Council in the Spring of '18,

- 1 the person, the associate dean you were talking about,
  - 2 is that Dr. Speitel?
  - A. Yes, it's Dr. Speitel.
  - Q. Okay. And -- but you do remember having a
  - 5 conversation with Dean Wood and Dean Speitel prior to
  - the Spring of 2018 about Dr. Nikolova, or you're just
  - presuming you did?
  - 8 A. I'm presuming I did because I remember that
  - Dr. Nikolova wanted to be promoted before 2018. So as
  - part of the decision process, I almost surely would have
  - 11 discussed this verbally with the dean and associate
  - 12 dean.
  - 13 Q. Okay. And -- but you don't remember the
  - 14 substance of that conversation or what Dean Wood or
  - Dean Speitel's reactions were at that initial time you
  - 16 met with them?
  - 17 A. No, I don't; but given that we didn't go
  - forward with promotion at the time, you know, if that
  - occurred in '16 or '17, let's say, that would tell me
  - that I probably didn't get a strong enough signal and
  - 21 that when we huddled back, we decided not to go forward.
  - Q. Okay. So let's go ahead and move to Spring of
  - 23 2018 for that meeting. Do you recall what was conveyed
  - 24 during that meeting about Dr. Nikolova?
  - A. So, again, I don't remember the details; but I 25

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- 1 can tell you sort of how it works. So going into the
- 2 meeting, I normally ask the candidate to prepare a few
- 3 documents; and the purpose of these documents are to put
- the best case on why we should go forward with a
- 5 promotion.
- 6 Some of these documents are really from
- 7 the department. For example, I ask the candidates to
- write a statement about leadership and research and
- teaching, you know, so sort of what are the great things
- 10 that you're doing which are above expectations in
- 11 teaching and research. I do -- we do a preliminary peer
- 12 comparison, so who else is like you and has been
- 13 promoted to the rank that we want to promote you to that
- 14 comes from top universities.
- 15 The College requires the candidate to
- provide a particular document. That's a purely 16
- numerical document that would list how many papers they 17
- published and how many papers are published in each year 18
- and how many were conference papers, how many were 19
- 20 journal papers. And there is information about, you
- 21 know, probably course instructor scores. There's
- 22 information about funding, et cetera; and then there is
- the CV. 23
- 24 So all of that information I collect and
- 25 I forward to both Speitel and Wood ahead of our meeting.

- (Exhibit 23 marked.)
- 2 Q. (BY MR. NOTZON) And all I'm asking is: Is

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- this the type of document you're referring to?
- A. No, that's not the document that I'm
- 5 referring to. There is another form that's called --
- that we, at least internally, refer to as The Dean's
- Form; and that form does not go into the dossier.
- That's a form that's used only in the March/April
- timeframe, which just lists -- you know, it asks you to
- put your name, how many years have been in rank, and
- that sort of stuff. So that's not it.
- 12 Q. Could you -- do you recognize that form,
- 13 Exhibit 23, what that's used for?
- 14 A. So, normally, I don't see -- normally, I don't
- 15 see that document. Normally, I don't see the dossier
- after it leaves the department. The reason I got to see
- Professor Nikolova's dossier is because we recommended
- that she ask for a copy of her dossier, and she made it
- available to me. Normally, I don't see this form or
- anything in the dossier that gets added to it after it
- leaves the department.
- 22 Q. Okay. So you -- so would you -- would it be
- accurate that you don't recognize this form?
- 24 A. That I normally don't see.
- 25 Q. You recognize the form, but did you know that

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- 1 So going into the meeting, they would have looked at it; and then we chat. They provide me with their impression
- of whether this is a case they think is strong or not or
- whether that they think that we may have problems at the
- 5 Presidential Committee level.
- Q. Okay. And so with Dr. Nikolova, would it be
- accurate that you don't remember what was specifically
- shared from Dean Wood and Dean Speitel; is that right?
- A. Yeah, I don't remember exactly what was
- 10 shared; but what I do remember is because there was some
- 11 uncertainty in our mind in terms of should we go forward
- or not and that uncertainty hinged on whether certain 12
- papers that were under review would be accepted or not 13
- 14 and that I did not come out of that meeting having a
- sense of, yes, they're supportive or no, they're not 15
- supportive. Had I had a sense in that meeting that this 16
- is going to run into trouble, I would have gone back to 17
- Dr. Nikolova and Sanjay Shakkottai and Constantine 18
- Caramanis and have said, "Based on what I heard, based 19
- 20 on the body language I saw, I would recommend we don't
- go forward." 21
- Q. Okay. I just put a document -- did I? No, I 22
- didn't. I'm going to put a document in the chat to see
- 24 if this is the document that you're talking about, the
- purely numerical document. It may or may not be.

- 1 you don't have access to it?
  - A. I don't recognize the form, you know. When
  - you sent it to me and I looked at it, I got what it
  - meant; but, no, it's not a form that I see. Okay?
    - Q. Okay.
    - A. I mean, it's not a form that, "Oh, yeah this
  - is a form that I'm used to and I know exists."
  - Q. Okay. That's what I'm trying to find out.
  - Okay. You can't tell me anything about this form in
  - terms of how it's used or if it's used or why it's used
  - 11 at UT?

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- 12 A. No.
- 13 Q. Okay. Then I don't need to ask anything about
- 14 the contents of it at this point.
  - All right. Let me stop before moving on
- with the tenure process past the conversation with
- Dean Wood and Dean Speitel. 17
- 18 Would it be accurate that if you're going
- 19 to rescind a probationary extension, that -- as a
- faculty member that you would have taken prior to going
- up for tenure, that you would need to rescind it, I
- 22 think is the proper term, prior to Step 1 of the Budget
- 23 Council?
- 24 MS. HILTON: Objection, form.
- 25 A. So I really can't answer this question because

1 I've seen it done in a number of ways over the years;

- 2 and so -- so much so that every year, when we have a
- 3 situation in which we are putting somebody up for
- 4 promotion and that person has taken an extension of
- 5 their tenure time, I would tell them at the beginning of
- the process, "They may ask us to submit a memo in
- January. Sometimes they ask us to send an e-mail" --
- for the faculty member to send an e-mail. That could be
- 9 in May or June. Sometimes they don't seem to care. So
- there is a variation, and you're going to see all sorts
- 11 of possibilities if you were to look at all of the cases
- 12 in which that has happened.
- 13 Q. Okay. So would it be accurate to say that
- 14 there is no specified written deadline by which a
- 15 probationary extension must be rescinded prior -- during
- 16 the -- or -- in order to be considered rescinded for the
- 17 tenure promotion consideration process?
- 18 MS. HILTON: Objection, form.
- 19 A. I really can't answer this question because
- there could -- there could be a UT policy that says, 20
- you know, "You have to do this." But it could be that
- Provost A enforced it and Dean B enforced it or
- 23 Provost C, you know, did not enforce it and then the

Basically, usually, you know, what

2 happened is I would send an e-mail, you know, one -- I

Dean Speitel's assistant and say, "Okay. You know,

5 Professor X is going up for promotion. Do we need to do

And then she would check with the

or "No, you're fine." And that answer, to the best of

my recollection, changed from year to year. So there

Provost's Office and come back saying, "Yeah, do this,"

started to get confused. I would send an e-mail to

- dean didn't care or the staff on -- the dean's staff
- didn't care.

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anything?"

- 1 little bit more clear for what I'm trying to get it.
  - 2 The changes you've experienced, you've witnessed, is it

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- 3 that the, quote, unquote, "deadline to rescind" keeps
- getting pushed further along in the timeline or does it
- exist at this date and then it's -- it could be later
- and then the next time it might be earlier? It just
- 7 goes back and forth?
  - MS. HILTON: Objection, form.
  - Q. (BY MR. NOTZON) Do you see the distinction
- 10 I'm asking?

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- 11 A. Yeah. I don't think that any deadline
- changed. I think the way it was enforced changed,
- meaning sometimes it was strict enforcement; sometimes
- an e-mail was fine. Also, there is -- and that there is
- a distinction, meaning that there's a way for you to go
- up for promotion without rescinding the extension; and
- there's a way for you to go up for promotion while
- 18 rescinding the extension. And because of that
- confusion, I think that the staff at multiple levels
- were confused; and that's why, likely, we were getting
- different answers at different times, like, "Yeah, you
- need to submit a form in January" or when we did not
- submit a form in January, in May, say, "Okay. It's
- 24 fine. You can submit a form now" or "An e-mail is
- 25 enough" or "Don't do anything."

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  - Q. And what is your understanding of -- well,
    - 2 actually, before I ask that question, let me ask one
    - more. Are you aware of anybody being told that they
    - 4 were not allowed to rescind their probationary extension
    - 5 year?
    - 6 A. Not in our department. I'm not aware of
    - 7 anyone. And -- and, frankly, you know, if you want to
    - get answers to these questions, I'm not the one that you
    - should be -- you know, you should be talking to someone
    - on the dean's staff or, better yet, the provost's staff. 10
    - 11 Q. And I appreciate that in terms of policy, but

    - 12 I'm asking you from your experience.
    - A. From my experience, I haven't seen a case in
    - 14 which we asked to put somebody up for promotion and
    - where there was this issue of rescinding the extension
    - 16 and we were told, "No, you can't."
    - 17 Q. Okay. Specifically related to Dr. Nikolova, I
    - understand that -- that she was not asked to -- whether
    - or not she wanted to rescind her probationary extension
    - 20 year. Do you recall that to be the case?
    - 21 A. I don't recall that; but what would have
    - 22 happened is that Jilda, who is in charge of, you know,
    - 23 helping with the promotion dossiers, would have picked
    - 24 up the fact that Dr. Nikolova had asked for more than
    - one extension and would have reached out to the staff

A. Yeah, there might be; and I don't know. Q. Okay. All right. And then next is: You have

rule. You're saying there might be, but you don't know?

experienced that the ability to rescind a probationary 17

Q. Okay. All right. So you don't know if

13 there's -- one way or the other, if there's a written

extension has changed to -- from one date to another and

19 back again, back and forth?

was no consistency.

MS. HILTON: Objection, form.

21 A. You know, from my perspective, it seemed to be somewhat random, you know, what exactly we needed to do

by when. 23

Q. (BY MR. NOTZON) Okay. And that was -- that 24 was a pretty unclear question. Let me try to make it a

1 member and Dr. Speitel's office or would have asked me

- 2 to reach out to that member. And I would have asked the
- 3 question; and that member would have said, "Yes, you
- 4 need to do this" or "An e-mail is enough" or "There's
- 5 nothing you need to do."
- 6 Q. Okay. And just to clarify, you don't remember
- 7 one way or the other whether Dr. Nikolova was offered or
- 8 informed of the pros and cons of rescinding the
- 9 probationary extension?

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- 10 MS. HILTON: Objection, form.
- 11 A. No, I don't recall that discussion.
- 12 Q (BY MR. NOTZON) Okay. Would it have been you
- 13 to have that conversation with her, or would somebody
- 14 else have had that conversation with her?
  - MS. HILTON: Objection, form.
- 16 A. Since I'm not on top of these rules and
- 17 regulations, if there was any danger to rescinding an
- 18 extension, you know, that -- the conversation -- the
- 19 information would have come from the provost through the
- 20 Dean's Office to me, to the faculty member or directly
- 21 from the provost to the faculty member or from the
- 22 Dean's Office to the faculty member.
- 23 Q. Okay. And you don't recall that going through
- 24 you with Dr. Nikolova?
- 25 A. No, I don't recall that. I vaguely recall

- 1 happened. And then, depending on what we were asked to
  - 2 do, there was the appropriate communication with the
  - 3 faculty member.
  - Q. Okay. So you do remember being a part of that
  - 5 communication for other folks, but you don't remember
  - 6 being a part of that communication about probationary
  - 7 extension recisions or not with Dr. Nikolova?
    - A. Right, but the other folks -- I mean, if you
  - 9 tell me did I -- was I part of that conversation with
  - 10 'X,' I would have the same answer. I -- I don't
  - 11 remember.
  - 12 Q. You don't remember who; but you remember being
  - 13 there for --
  - 14 A. Yeah.
  - 15 Q. -- somebody, one or two or three people?
  - 16 A. Yes. And I assume that this happened with
  - 17 every single person, that every single person, because
  - 18 the staff at college level, I don't think ever let a
  - 19 case pass without checking with the Provost's Office,
  - 20 "Do we need to do this" or "Do we need to do that" or,
  - 21 you know, "What should we do?"
  - 22 Q. Okay.

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- 23 A. Therefore, for each case, we would have gotten
- 24 instructions what to do.
- 25 Q. Is it your understanding that because

- 1 that -- not in this particular case; but at some point
- 2 in time, it might have been mentioned that if we rescind
- 3 the extension, then, we risk the case being turned down
- 4 and that year becoming the out year -- that if the case
- 5 is turned down, that that becomes the out year of the
- 6 faculty member, where the faculty member would not have
- 7 another shot at it.
- 8 Q. Isn't it recall -- referred to as the up-or-
- 9 out consideration?
- 10 A. Yes. So that if you -- if you did rescind
- 11 your extension, then, you -- effectively, you were
- 12 putting yourself in the up-or-out year.
- 13 Q. Okay. Was there ever a time that you were
- 14 the person that was communicating with the tenure-and-
- 15 promotion candidate about rescinding or not rescinding
- 16 their probationary extension prior to going through
- 17 probation -- I mean, prior to going through
- 18 consideration?
- 19 A. My recollection is whenever there was such a
- 20 case, either we e-mailed the -- the college and asked,
- 21 "What should we do?" Or the college, because they knew
- 22 who we were putting up for promotion, would come to us
- 23 and say, "Did this candidate do 'X'? Did they rescind
- their extension?" And we say "yes" or "no," and then,they would give us some instruction. So that's how that

- 1 Dr. Nikolova had the 2.5 years at A&M, that there would
  - 2 have been no need for her to have rescinded her one
  - 3 probationary extension at that time to get the six years
  - 4 total to be technically early?
    - MS. HILTON: Objection, form.
    - A. I honestly don't -- you know, technically,
  - 7 without rescinding or no rescinding, we could have put
  - 8 her up for promotion at any point in time, you know, and
  - 9 take the risk. So we could have entered by X, Y, or Z;
  - 10 but we could have done it.
  - 11 Q. Okay.
  - 12 A. The discussion of rescinding or not
  - 13 rescinding, it's when we put the case in that there is
  - 14 this discussion with the Provost; and I'm not the person
  - 15 who can answer your questions on do we have to do it or
  - 16 not do it. You really would have to talk with someone
  - 17 that's knowledgeable of the rules and would have then
  - 18 been able to answer your question. Had you done in '17,
  - 19 what would have happened; had you done it in '16, what
  - 20 would have happened.
  - 21 Q. I'm just trying to get your take on it
  - 22 because -- so, here. Work with me here, that using the
  - 23 term "truly early" or "technically early," okay, that we
  - 24 used before, earlier in the day, is it your
  - 25 understanding that with having not rescinded the

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170 172 1 probationary extension, Dr. Nikolova would have had, 1 that drops her down to 4, correct? 2 instead of five and a half and two and a half years, 2 A. That's what this document says, yes. 3 which would be counted as five and two, you would -- you Q. Okay. And then -- and that would have 4 would say it was four and two, because you -- she had 4 been -- and from what I understand from prior testimony the probationary extension; so that gets you the six for 5 of the dean is that it's counted as of the date of the technically early without rescinding the probationary promotion. So the next August, so August of '19, that's 7 extension? when you count the total years, not the actual year that 8 MS. HILTON: Objection, form. it's going up? 9 9 A. That's correct. Q. (BY MR. NOTZON) Are you with me? 10 10 A. I'm not, unfortunately. Q. Okay. So with the 4 that is countable at UT, 11 (Laughter.) 11 if you add on the 2.5 at A&M -- which I think they 12 Q. Sorry about that. 12 probably only count the 2 -- that gets her to her 6, so 13 Okay. So I will represent to you --13 that when she's going up here in the 2018-2019, the one 14 14 time she went up for tenure, she's -- according to the A. Okay. 15 Q. -- that she -- at the time that she went up, term you were using, she's technically early, not truly early, correct? 16 she was considered to be at 5.5 years, which UT counts 16 as five, because they don't count the half, right? 17 MS. HILTON: Objection, form. 17 18 A. Okay. 18 Q. (BY MR. NOTZON) I'm sorry. Your answer? A. That's correct. 19 Q. That she took probationary extension, which 19 20 20 Q. Okay. So -- so that's what -- that's what I means that it shortens to 4, correct? 21 was trying to ask you about. At the time that she is in MS. HILTON: Objection, form. 22 Q. (BY MR. NOTZON) The probationary clock is at 22 the Spring of '18 headed into the possibility of --23 4, because she took a probationary extension, right? 23 MR. NOTZON: Oh, time out. Some Laura 24 A. Okay. So because she took a probationary 24 Barber wants to get in. MS. HILTON: She's with UT System, yeah. 25 extension the year that we were preparing the dossier --25 171 173 1 at the end of the year that we were preparing her MR. NOTZON: Just admit her? 1 2 dossier, that's the same year that she had her MS. HILTON: Yeah. She had to sign off 3 third-year review, so from the official UT perspective, earlier. If you could let her in, that would be great. 3

4 this was her third year. Okay? Because they added all 4 MR. NOTZON: Yeah, yeah. Okay. 5 of the extensions; they did their math. MS. HILTON: Thank you. 6 And you know, we were going to do her 6 Q (BY MR. NOTZON) So -- so if she's there in third-year review the year before; and they said, "No, the Spring of 2018, according to what you understand the you can't do it." And so we didn't do it, right? consideration is, that it's your understanding that she 9 Q. Right. doesn't need to rescind the probationary extension at 10 that point because getting her from 6 to 7 doesn't A. So from their perspective, it was -- she was 11 in her third year. 11 change the bar; is that correct? 12 12 Q. When that's happening, but the -- well, here, MS. HILTON: Objection, form. 13 let me -- let me just show you. A. I really can't comment on she needs or she 14 doesn't need to do the recision because, as I mentioned, 14 A. So, yes. Okay. 15 Q. Let's stop having theoreticals. Let's go I never understood exactly how that was done and when. 16 ahead and look at a document. Okay? And so the decision on whether she should or should not 17 Okay. This is Exhibit 2. 17 would have come from the Provost's Office. 18 18 So, again, the College would have said, 19 Q. Okay. So if you see the first page there --"We're putting these folks up for promotion." And, you 20 got it? know, something would come from the Provost's Office; 21 21 and they would have told us, "Do this" or "Don't do 22 that." 22 Q. Okay. So if you see there, it says she's been at UT for 5.5 years; but you don't count the half year, 23 Q. I appreciate that, but what I'm asking you is right? So that's 5, but then you put on the 24 for your understanding based upon what we talked about probationary extension. There was one of those. So earlier today, that if you're at 6 with the UT years,

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1 combined with the prior years, that you're technically

- 2 early; and there's no different standard applied. Do
- you recall that testimony?
- A. Okay. I think there are two aspects here, one
- that I can speak to and one that I cannot speak to. 5
- Okay? So the aspect that I can speak to is: Yes, she
- 7 served for "X" number of years at the university; and I
- count the number of years that she served at this other
- institution. And I say this is technically early. And
- 10 there is a sentence -- actually, in the exhibit that you
- 11 sent me earlier, there is a sentence in there where I
- 12 say her case would not be early if these 3 years of
- 13 service are considered.
- 14 Q. Yes.
- 15 A. The other part is rescinding or not
- 16 rescinding.
- 17 Q. And we're not talking about that right now.
- 18 A. Okay.

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testimony?

Q. Yes.

extensions."

Q. Yes.

testimony, right?

okay, without -- because --

- Q. Okay? I'm just talking about: You testified 19
- 20 earlier your experience was, from prior candidates for
- 21 tenure and promotion that were technically early,
- meaning they had -- and we already went through all this 22
- 23 before, remember -- they had some years at UT and some
- years at a prior institution that amounted to six or
- 25 more, they would be -- if it was -- if they were at UT

1 less than six years, they would go up as technically

2 early: and then, if their combined years was five or

less, they would be truly early do you remember that

A. If the combination of their service at another

institution, plus their service at UT, actual service,

A. -- you know, the administration would say,

With this apart, if the number of years at UT.

"No, we have to remove the years that you got

- 1 A. Yes, yes.
- 2 Q. So then my question is: For Dr. Nikolova in
- the Spring of 2018, she's going to be going up, even
- counting -- even not counting the probationary extension

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- year, she's got six years combined between the two
- institutions. Therefore, from your experience, the bar
- should be the same; and changing the bar from -- or
- changing the years from six to seven by rescinding the
- probationary extension year would not have changed the
- consideration bar from your experience; is that correct?
  - MS. HILTON: Objection, form.
- 12 A. The bar is a subjective bar, meaning --
  - Q. (BY MR. NOTZON) Yeah.
- 14 A. -- meaning I -- my position because, as I said
- 15 earlier, to get promoted or not promoted should be the
- same bar. Whether you are early or late, it's the same 16
- bar. Okay? So from that perspective, you know, all
- of -- all of this stuff is immaterial because we're
- 19 going by the same bar.
  - That does not mean that everybody at UT
- has that same perspective, not only -- I mean, in this
- case, the dean used this in her letter; but even within
- the Budget Council, whenever we have cases that are like
- Nikolova, there would one or more person asking, "Why
- are we putting this person up for tenure now? This is

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- 1 early." We would get into this discussion of
  - technically early versus really early, and they would
  - either abstain or vote -- I mean, I'm guessing that they
  - would either abstain or vote no. But that is a
  - 5 recurring theme.
  - 6 So there are people at UT for whom even
  - technically early means a higher bar, and that's not
  - something I control or anyone controls. I mean, if you
  - believe in it, I'm not going to be able to change your
  - opinion on that, right? So. 10
  - 11 MR. NOTZON: Object as nonresponsive.
  - Q. (BY MR. NOTZON) Let me try it one more time 12
  - 13 and maybe a different -- I'm going to try it a different
  - 14 way. And using your words in your -- your testimony
  - 15 that if Dr. Nikolova had rescinded the probationary
  - extension year before being considered for tenure, that
  - she would have been at the seventh year of combined 17
  - years between UT and A&M and that she would not be
  - 19 considered to have been getting an award of a truly
  - early tenure consideration. Would that be accurate in
  - 21 your understanding?
  - 22 MS. HILTON: Objection, form.
  - 23 A. I don't think so because you just did the math
  - in front of me; and you said, "Okay. Without this extra
    - year, would she rescind" -- I mean, even if you rescind

Appx.0632

Q. (BY MR. NOTZON) That was your prior

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1 this extra year, then she would be at four. Four plus

- 2 two is six.
- 3 Q. (BY MR. NOTZON) No, no. If she rescinds,
- 4 she'd be at five.
- 5 A. If she rescinds, she's at five. So that
- 6 becomes seven.
- 7 Q. Yeah.
- 8 A. Seven is way above the threshold. I mean, you
- 9 should not be at seven. At seven, you're either
- 10 promoted; or you're out. Okay? So --
- 11 Q. Well, let's not add -- you're adding a whole
- 12 other thing.
- 13 A. I'm not. I mean, this is the way it works.
- 14 Q. The question is -- the question -- my question
- 15 is not --
- 16 MR. NOTZON: Again, object as
- 17 nonresponsive.
- 18 Q. (BY MR. NOTZON) The question is not whether
- 19 or not what happens in the back end. I'm saying that
- 20 would not be considered an award for her, correct?
- 21 A. Even in her current situation, that would not
- 22 have been considered an award.
- 23 Q. Okay.
- 24 A. If it were considered an award, my letter
- 25 would have said, "This is an early case," with no

- 1 A. But, generally speaking, my -- you know, if
  - 2 randomly you came to me, that sort of was my
  - 3 understanding.
  - 4 Q. Okay. And I believe Dr. Nikolova said that

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- 5 never -- that conversation never occurred, and you
- 6 cannot contradict her on that from your testimony?
- 7 A. No, I can't. Yeah, I don't recall that.
  - Q. All right.
- A. However, if you really want to know, you can
- 10 look at the e-mails; and if there was an e-mail from
- 11 Speitel's Office saying something or other -- I mean, if
- 12 there was an e-mail saying she should rescind, then we
- 13 would have had that conversation.
- 14 Q. Right. That would be helpful. And you're
- 15 saying that if that happened, there should be an e-mail;
- 16 and we should be able to see it?
- 17 A. Yes.
- 18 Q. Okay. And if it doesn't exist, then that's a
- 19 good indication it didn't happen?
- 20 A. Yes.
- 21 Q. Okay. But you're also not saying and
- 22 testifying that if there is no e-mail, that it didn't
- 23 happen?
- 24 A. No, because I don't remember having -- either
- 25 having or not having a conversation.

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- 1 mention of technical -- technically early.
- 2 Q. Okay. And we're not talking about your letter
- 3 because we're talking about the hypothetical of why --
- 4 we're talking about the hypothetical of if she did or
- 5 did not rescind the probationary extension year, what
- 6 would be the practical effect on her years there and
- 7 lining that up with your prior testimony. That's --
- 8 that's all I was doing, but it sounds like it's not that9 straightforward to you. So maybe I'll just move along.
- 10 Okay. All right. So let me ask -- let
- 11 me ask it -- I'll ask you one more question, and then
- 12 we'll move on to some totally different topic. What do
- 13 you understand would be the re- -- okay. I think you've
- 14 probably answered this. The reason that Dr. Nikolova
- 15 would not rescind the probationary extension year is
- 16 because if she did, it would cause her to be in an
- 17 up-or-out situation when she went up for tenure, instead
- 18 of possibly having another shot sometime in the future?
- 19 MS. HILTON: Objection, form.
- 20 Q. (BY MR. NOTZON) Is that right?
- 21 A. That's my recollection in general. And for
- 22 this specific case, you know, we -- you know, I don't --
- 23 I don't remember having conversations on what happened.
- 24 Okay?
- 25 Q. Okay.

1 Q. Okay. Did Dr. Nikolova do anything or not do

- 2 anything to hurt her consideration for tenure after the
- 3 Step 1 vote was to proceed?
- 4 MS. HILTON: Objection, form.
- 5 A. Can you clarify or, you know, be more
- 6 explicit?
- 7 Q. (BY MR. NOTZON) I'm trying to be really,
- 8 really, really broad. Can you think of anything that
- 9 Dr. Nikolova did, which I would think would be in your
- 10 letter, that she did after -- because you wrote that
- 11 letter in October of '18, right, the end of October?
- 12 A. Yeah.
- 13 Q. So between the first-step vote of the Budget
- 14 Council in the Spring of '18, all the way through to the
- 15 date that you wrote your letter, did Dr. Nikolova do
- 16 anything that hurt her chances for promotion to tenure,
- 17 in your knowledge?
- 18 MS. HILTON: Objection, form.
- 19 A. In my knowledge, no, I don't think that
- 20 there's anything that happened that -- that would have
- 21 hurt her case.
- 22 Q (BY MR. NOTZON) Okay. What is -- did
- 23 Dr. Nikolova ever communicate to you -- well, let me ask
- 24 it a different way because that's kind of silly.
- 25 Did Dr. Nikolova -- when was the first

1 time you recall Dr. Nikolova complaining about being

2 treated differently because of gender or pregnancy?

MS. HILTON: Objection, form.

4 A. I -- I actually don't recall having such a

5 discussion. She may have. I don't -- I don't recall

that. And if -- I don't recall. Okay? I was going to

make an assumption on what she may have mentioned to me

when -- as a way of overcoming the negative vote, but I

9 don't recall a conversation.

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remember.

12 rebuttal.

10 Q. Okay. Do you recall -- I'm sorry?

11 A. Which doesn't mean it didn't happen. It's

12 just I just don't recall any such conversation.

13 Q. Okay. And so if you don't recall having a

conversation with Dr. Nikolova about that, would it be 14

15 true that you never talked to anybody above you or

16 outside of your department about Dr. Nikolova's

17 complaint to you; that follows, doesn't it?

18 MS. HILTON: Objection, form.

19 A. That's correct.

Q (BY MR. NOTZON) Okay. So the next question: 20

21 Did Dr. Nikolova ever communicate with you in writing,

e-mail, or whatever, a complaint of being treated 22

23 differently because of her gender or pregnancy?

24 A. I don't recall that. What I recall is that

25 when we were talking about overcoming the Dean's first

1 decision or, perhaps later, the presidential decision,

instructor survey scores because she's pregnant; and she alluded to some of these studies. That, I recall. I

mean, I can't tell you it happened on a particular day;

but I recall that -- you know, that that was brought up.

Q. Okay. And was that in conjunction with her

A. I imagine that it happened at that time. It

it very -- it could very well have been during the first

communicating to you that she had complaints of

MS. HILTON: Objection, form.

Q. After the initial one that you're thinking you

MS. HILTON: Same objection.

A. After the initial -- so the only other time

Fall of 2019 after I had authorized her Modified

that that came up is, my recollection would be, in the

Instructional Duties and then being told by the College

Q. (BY MR. NOTZON) After that?

A. After -- after what?

10 may have happened as we were preparing the next one, but

Q. Okav. And any other time that you recall her

disparate treatment as being a woman or being pregnant?

preparing this rebuttal to the dean's evaluation?

2 she did bring up the issue of getting lower course

that, "Well, you know, from now on the Modified

Instructional Duties are going to be somewhat different

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than they've been in the past."

I had raised the issue of, "Why now?"

5 And she also raised that issue, but I had raised it

before her.

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7 Q. (BY MR. NOTZON) And I apologize. Some hot

rod went by and blasted its engine where I couldn't hear

what you said right at the beginning there.

10 MR. NOTZON: And so, Debbie, could you

11 read it back to me?

12 (The material was read as requested.)

Q (BY MR. NOTZON) And when you just said that,

14 you were concerned that there may be some connection

15 with her complaint?

16 MS. HILTON: Objection, form.

17 A. No. My concern is: Why are you changing the

18 rules on us now? It was very basic. I mean, we have

run the Modified Instructional Duties in a particular

way since I became Department Chair. What happened now? 20

Q. (BY MR. NOTZON) So you're not suggesting that 21

22 there was any violation of Dr. Nikolova's rights.

You're just asking the question in the broad, general

sense of: I don't understand why there's a change now? 24

MS. HILTON: Objection, form.

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A. Yes. And at the end of the day, I think this

discussion lasted for about maybe 24, 48 hours -- I was

traveling at the time -- and the College then said,

"Fine. We'll go your way." And we were done.

Q (BY MR. NOTZON) Okay. So the -- would it be

accurate that the College didn't answer your question;

they just stopped pushing back and went back to the way

that you understood it to have been before that?

9 MS. HILTON: Objection, form.

10 A. Yes, they essentially went back to the way we

had implemented it.

12 Q (BY MR. NOTZON) Okay. But the first part of

13 my question: They didn't answer your question, "Why the

change now?" They never answered that?

A. Well, I got one answer, you know: We're

paying the professors; and so, therefore, they need to

do something. And, you know, if they work with the

senior design teams, they're not constrained to meet at

a particular time. They can move these meetings as they 19

see fit, depending on their condition. So they gave me

a number of reasons like that, which I, you know, didn't

necessarily buy; and the matter was resolved in 24 to 48

23 hours.

Q. And when you say you didn't buy that, it's

because those answers didn't offer anything new because

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1 that was already part of the initial existing program? A. Well, I told you that we implemented a number

2 MS. HILTON: Objection, form.

3 A. Well, it's because we ran the program in a

4 particular way from when I became Department Chair and

- 5 implemented the program. Up to the Fall of 2019, no one
- ever came to me and said, you know, the professors
- should teach senior design, you know, and not just be
- given no teaching at all, you know, zero teaching and
- work on course development. 9
- Q. Okay. But my question particularly is: Their 10
- 11 explanation to you did not provide you an explanation
- 12 because it didn't provide any new situation or
- information that did not already pre-exist and was 13
- 14 already dealt with in the prior existing Modified
- 15 Instructional Duty benefit?
- 16 MS. HILTON: Objection, form.
- 17 Q. (BY MR. NOTZON) Right?
- 18 A. Yeah. I mean, if they had told me, "There is
- some rule that changed at UT," or something like that, 19
- then, fine. And then I would, you know -- they 20
- essentially told me it was a new college rule; and, you 21
- 22 know, in some sense you might think this is a new
- 23 college rule. And maybe in 48 hours I convinced them
- not a good college rule, and they went back. 24
- 25 Q. Okay.

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- 2 of training sessions; and I told you that we had a
- 3 particular faculty member that made inappropriate
- 4 comments. He's not the only one. There have been other
- 5 ones that also made such comments, but --
- Q. Okay. Other than you've already testified?
- 7 A. No. What we -- what I observed and what
- people complained about was things along those lines,
- where inappropriate comments were made either to a
- 10 person in a private setting so that there was no other
- 11 person to witness that; but we corroborated it by --
- 12 because, you know, we heard similar complaints from
- 13 multiple people or questions or comments that were made
- 14 in a public setting, like a faculty meeting, and which
- 15 we felt were inappropriate.
- 16 Q. Okay. Anything else? Any other complaints of
- 17 gender disparate treatment?
  - A. Give me an example of something that you're
- looking for; and I can tell you "yes" or "no." But
- that's something that comes to my mind.
- Q. I'm asking for your memory. I don't have a
- 22 specific thing to -- to jog your memory. I'm asking you
- if you know of anything else other than what you've
- 24 testified.
- 25 A. No. I mean, the only thing is exactly what I

- A. Kudos to them on that. 1
- Q Yes. Although, like you said before, you
- 3 shouldn't get an award for doing something that you're
- already doing, right? You shouldn't get an award for
- 5 doing what you already ought to be doing?
- 6 MS. HILTON: Objection, form.
- 7 A. Well, in this case, I would say the kudos is,
- you know, people come up with ideas and they make
- mistakes; and so kudos to someone who recognizes his or
- her mistake and say, "Yeah, yeah. I made a mistake," 10
- 11 and changed their mind, instead of sticking with the
- 12 position.

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- 13 MS. HILTON: Robert, can we take a break
- in the next few minutes, please? 14
- 15 MR. NOTZON: Yes, but let me -- let me
- 16 think here if it's going to be now or in a few minutes.
  - MS. HILTON: Okay.
- Q (BY MR. NOTZON) Oh, and this is kind of along 18
- the lines of complaints. Did you ever raise -- well, 19
- before we get there, did anybody besides Dr. Kim and
- 21 Dr. Nikolova ever raise issues of gender bias in the ECE
- while you were the Chair?
- 23 A. Define what gender bias is.
- 24 Q. Being treated differently because you're a
- woman for any -- any reason.

- 1 testified. It's inappropriate comments, inappropriate
  - 2 statements made in class or in a public or in a private

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- 4 Q. Did you ever raise a concern of gender bias
- 5 yourself?
- 6 A. In -- you know, you have that e-mail when I
- was asked about providing further justification for
- technically early or not technically early. I did raise
- that concern.
- 10 Q. Okay. And I have that e-mail. I guess I
- might as well put it up and confirm that that's the
- e-mail you -- you have.
- 13 MR. NOTZON: Ms. Hilton, is it okay to go
- 14 through those -- those e-mails real quick; or do you
- need the break now?
- 16 MS. HILTON: I mean, if we could take a
- 17 break now, I would prefer that if possible.
- 18 MR. NOTZON: No problem.
- 19 MS. HILTON: Thanks.
- MR. NOTZON: I'm going to put up two
- 21 e-mails in the chat that you're welcome to look at in
- the interim; and then, we'll talk about them when we
- come back. 23
- 24 MS. HILTON: Sounds good. Thank you.
- 25 THE REPORTER: We're going off the record

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1 at 4:27 p.m.

2 (Off the record from 4:27 to 4:44 p.m.)

3 THE REPORTER: We're back on the record

4 at 4:44 p.m.

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5 Q (BY MR. NOTZON) Okay. Back from the break.

6 Professor, before we go on to Exhibits 25 and -- no, 24

7 and 25, I'd like to ask a little follow-up question. On

3 Modified Instructional Duty, are one of the things that

9 you -- you change out for a course is service?

MS. HILTON: Objection, form.

A. I don't -- I don't understand what you are

12 asking about. I mean, it says Modified Instructional

13 Duty, so it only applies to instruction. It's just that

14 I give teaching time off.

15 Q. (BY MR. NOTZON) Okay. Well, I was just

16 asking: If, instead of instructional duty, that the

17 replacement activity, is it sometimes service?

A. This is Modified Instructional Duty; so,

19 therefore, it has to be a different type of

20 instructional duty. And I explained earlier that I

21 would say that the person -- in consultation with the

22 person -- is going to work on a new course or, you know,

23 revising material for a course. It has to be

24 instructional.

25 Q. Thank you. I appreciate that clarification.

1 then, there must have been something unusual that is not

2 captured in the student comments.

3 Q (BY MR. NOTZON) Would you agree that

4 Dr. Nikolova being pregnant at the time of that low

5 score of 3.7 would be an extenuating circumstance?

MS. HILTON: Objection, form.

7 A. Dr. Nikolova raised the issue with me or made

8 me aware of the fact that there is -- that she thinks

9 there's evidence of that out there. I haven't studied

10 any paper on the topic. I don't know whether these

11 studies have appeared in peer-reviewed journals and

12 others have looked at it and she didn't provide me with

13 evidence that, you know, this is -- that's what's

14 happening in -- in this case.

I also -- I also would say that her

16 scores -- it's not like she was having a 4.5 score, and

17 suddenly she dropped to 3.7. Her scores are about in

18 the same range for the courses that she taught. A 3.9

19 from a 4 isn't that different and 3.7 was the last one

20 and the comments seem to be consistent from semester to

21 semester.

22 So there was no reason for me -- I mean,

3 she would have to establish or you would have to

24 establish that there is, indeed, a correlation between

5 pregnancy in her case and the comments that -- and

1 I didn't know that. That's why I asked the question.

2 In the -- on Exhibit 6, your letter, on

3 the Teaching portion, it doesn't look like you spent any

4 effort to try to explain Dr. Nikolova's lowest score of

5 3.7. Would you agree with that?

A. I listed the scores.

7 Q. Would you agree with my -- my question?

A. I didn't -- yes, I agree. I didn't try to

9 explain a high score or a low score.

10 Q. Okay. Do you recall with Professor Tiwari

11 that you, in fact, engaged in efforts to explain away

12 his low score of 3.5?

13 MS. HILTON: Objection, form.

A. I don't recall. So if you have my letter for

15 him or something, then, if you put it up and I can read

16 the letter and try to remember what happened.

Q (BY MR. NOTZON) Okay. Would there be a

18 reason why you would try to explain away one professor's

19 low score and not another's?

MS. HILTON: Objection, form.

21 A. Yes, there would be because in the case of

22 Nikolova, the explanation for her teaching standing,

23 whether she was fine or not, is accurately captured by

24 the students' comments.

If I did something for Professor Tiwari,

1 scores that she got and that you see similar evidence

2 with other professors in ECE or elsewhere.

Q. Thank you for that answer.

My question was more targeted at the fact

5 that she was pregnant when teaching, not the fact that

6 there's the possibility that there's a discriminatory

7 downward trend on -- from students scoring her. Just

8 the simple fact that she was pregnant while teaching,

9 that that might be an extenuating circumstance?

MS. HILTON: Objection, form.

11 A. I don't believe it was an extenuating -- I

12 didn't have information that said that this is an

13 extenuating circumstance.

14 Q. (BY MR. NOTZON) Okay. What about the fact

15 that she was teaching the two required courses, high

16 registration numbers, which both are consistently known

17 to elicit or attract negative scoring?

18 MS. HILTON: Objection, form.

19 A. She was assigned to teach certain courses, and

20 I really can't comment on what you just said because I

21 would have to go and jog my memory by looking at the

22 scores of other professors and the kind of student

23 comments they're getting. Then we can do an apples-to-

24 apples comparison.

25 Q. (BY MR. NOTZON) You saw her rebuttal, right,

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1 where she talks about how she's the third-highest scorer

- 2 for that course out of over ten faculty members that
- 3 have taught that course over a period of ten or so
- 4 years?
- 5 MS. HILTON: Objection, form.
- 6 Q. (BY MR. NOTZON) Do you remember that?
- 7 A. I saw her rebuttal. I saw her rebuttal more
- than a year ago. You know, when I saw it, I mean, it's
- a long time ago. I have not read her rebuttal again in
- last few days or month. So I don't recall what was in 10
- her rebuttal. 11
- 12 Also, I don't remember what she -- what
- 13 her comparison pool was. If she picked ten years, well,
- 14 the course has changed dramatically over ten years; and
- so going back ten years may not be relevant. I don't
- 16 know if she included lectures as well as professors
- 17 tenure track or tenured professors. That -- that would
- 18 make it different. So I can't comment on that.
- 19 Q. Okay. The fact remains you didn't attempt to
- 20 ameliorate the negative connotation attached to 3.7,
- 21 correct?
- 22 MS. HILTON: Objection, form.
- 23 A. I didn't anchor on the 3.7, that's correct.
- And I explained, you know, in the next paragraph about
- course materials and other things she's done.

- 1 Q. Correct.
  - 2 A. Okay.
  - 3 Q. And it starts with your e-mail at the very

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- 4 bottom of page 3.
- 5 A. Okay.
- 6 Q. I guess I would say temporally starts.
- 7 A. Okay.

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- Q. And this is October 2018. So you're three
- days away from publishing your letter, correct?
- 10 A. That's correct.
  - Q. Okay. And you've received a question from the
- 12 Tenure and Promotion Committee; is that what you
- understand?
- 14 A. That's correct. And you made an incorrect
- 15 statement. I had published, you know, in your
- 16 terminology, my letter. My letter had been sent
- earlier. And then as a result of that letter, I got the
- questions from the Promotion and Tenure Committee; and
- they were asking for additional information.
- 20 Q. Well, so the letter that we looked at,
- 21 Exhibit 6, is dated October 29th.
- 22 A. Yes, that letter is Version 2. That was not
- 23 the letter that was submitted initially to the Promotion
- 24 and Tenure Committee.
- 25 Q. Okay. So there's a prior version that -- that

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- 1 we have? A. I don't know if you have it or not, but there
  - 3 is a prior version that led to this e-mail exchange.
  - Q. Okay. What do you mean by zero correlation?
  - 5 What's the artificial metric? Do you see what I'm
  - talking about, what I'm asking about?
  - 7 A. Yes, that's the second paragraph?
  - 8 Q. Yes, in your October 26th 8:55 e-mail.
  - A. Yes. That second paragraph was referring to
- 10 early, technically early, all of this discussion of
- having to justify -- provide additional justifications
- 12 for early promotion. And my -- the paragraph -- the
- 13 first paragraph is the first paragraph in my original
- letter. So the difference between the two letters is
- that in the version that you showed me earlier, there
- are a couple of sentences after "Her case would not be
- 17 early," blah, blah, blah.
- Q. Okay. And so artificial metric, you -- that
- 19 is referring to requiring some explanation that the six
- years she's put in is not sufficient or is sufficient
- 21 or -- I just don't understand. When you say "artificial
- 22 metric," could you define that term?
- 23 A. Artificial metric is the number of years in
- 24 service and, you know, all this discussion that we've
- 25 been having and, you know, that you've been asking about

Q (BY MR. NOTZON) But you left the 3.7 without

2 any context to try to soften the negative impact of that

- 3.7, correct? 3
- 4 A. It is not my --
- 5 MS. HILTON: Objection, form.
- 6 A. My duty is to report facts, and then people
- 7 would interpret them. The fact that she's pregnant is not something that we've ever reported. You know, the
- fact that, you know, something else happened is not
- 10 something that we factored in the past. I mean, it has 11 to be something dramatic for us to know that.
- 12 (Exhibit 24 marked.)
- 13 Q (BY MR. NOTZON) Okay. Exhibit 24, which is
- the document that starts with 25607. 14
- 15 A. Okay. There is no exhibit anything on that
- 16 document, so.
- 17 Q. Not yet.
- 18
- 19 Q. I'm telling you that's the document I want you
- 20 to look at.
- 21 A. Okay.
- 22 Q. Have you looked at it?
- A. Yes. Is this the one that starts, "Yes, I am 23
- 24 in my office now. You can call me on my direct line --
- or you can call my direct line"?

- 1 for --
- 2 Q. Okay.
- 3 A. -- I don't know how many times.
- 4 Q. I won't take that personally unless you meant
- 5 it personally.
- 6 "...zero correlation with the metrics
- 7 that the outside world, industry, and academia uses to
- 8 evaluate impact and excellence in teaching and
- 9 research." Could you explain what you mean to the
- 10 uninitiated there?
- 11 A. It means that when I measure your
- 12 accomplishments, I'm going to measure them by the impact
- 13 that your research is having, by where your students are
- 14 going, by the funding that you've generated, by your
- 15 ability to deliver excellence in teaching. I'm not
- 16 going to judge that by the fact that you are in rank six
- 17 years or seven years or five years or four years. Yes,
- 18 there is an expectation that after a certain number of
- 19 years, it's up or out; but that's what I meant.
- 20 Q. Okay. So you're saying zero correlation that
- 21 fixing the number of years as a paradigm doesn't
- 22 correlate with good tenurable faculty?
- 23 A. What I'm saying is we put somebody up for
- 24 promotion. We said that it's technically early. That's
- 25 the end of story.

- A. But it is my understanding that we put -- we
- 2 ask permission from the Budget Council for putting her
- 3 up for promotion. The Budget Council said yes; and,
- 4 therefore, UT needs to consider her case because it went
- 5 through the department and up to the college.
- 6 My understanding may be wrong. He didn't
- 7 point out to any sort of incorrect -- you know,
- 8 something incorrect in my reasoning. So -- so I didn't
- 9 buy his explanation.
- 10 Q. So I'm accurate that you -- your personal
- 1 experience, personal professional experience is that
- 12 prior experience at another institution, combined with
- 3 UT service amounting to six or more, is sufficient to
- 14 warrant consideration -- technically early consideration
- 15 of a candidate, correct?
- 16 MS. HILTON: Objection, form.
- 17 A. I -- I never got into such as argument; and
- 18 I'm not going to get into such an argument with you
- 19 because, as I mentioned, at any point in time any
- 20 professor can ask to be, you know, considered for
- 21 promotion. And as long as the Budget Council says,
- 22 "Yes, we agree," then that process will go on.
- Now, that doesn't mean that the case will
- 24 go through. So if UT doesn't think that the person
- 25 should be promoted at this time, then UT makes that
- Q. And Dean Speitel disagrees with you, saying
- 2 that service in and of itself is not enough; and you
- 3 disagree with that?
- 4 MS. HILTON: Objection, form.
- 5 A. Where does he say that service by itself is
- 6 not enough?

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- 7 Q (BY MR. NOTZON) If you see in the e-mail that
- 8 he responds to you.
- 9 A. Yeah
- 10 Q. Read that. And I can point it out to you if
- 11 you want, but I'm happy to have you read his entire
- 12 response.
- 13 A. Yeah. "Essentially, you are saying in your
- 14 letter that it would not be early if we take her service
- 15 into" --
- 16 Q. Don't read it out loud. Just read it to
- 17 yourself.
- 18 A. (Witness silently reading document.)
- 19 Fine. He's saying it's not in itself
- 20 justification for promoting her now.
- 21 Q. And you actually know that to be not the case
- 22 from your prior experience, that you have said exactly
- 23 that; and that was sufficient to obtain tenure for other
- 24 faculty members, correct?
- 25 MS. HILTON: Objection, form.

1 decision.

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- Q. Let me ask it a different way. When Dean
- 3 Speitel says it is not in itself a justification for
- 4 promoting her now, your personal experience finds that
- 5 to be not true, correct?
  - MS. HILTON: Objection, form.
- 7 A. Could you repeat that? I'm not getting what
- 8 you're saying.
- 9 Q. (BY MR. NOTZON) In that sentence where he
- 10 says, "It is not in itself a justification for promoting
- 11 her now," you understand that to be not true because of
- 12 your experience with other faculty where the prior
- 13 service at another university was, of itself, the sole
- 14 mitigating factor?
  - MS. HILTON: Same objection.
- 16 A. No, that's not my understanding. My
- 17 understanding is that because we asked the Budget
- 18 Council for permission to put the person up for
- 19 promotion and the Budget Council said, "Yes," then
- 20 that's what initiates the process. It has nothing to do
- 21 with service in another institution or no service in
- 22 another institution.
- 23 Q. So if the Budget Council relied on their
- 24 having achieved six years with the prior experience
- 25 achieved, would that change your answer?

1 MS. HILTON: Objection, form.

- 2 A. If the Budget Council did not agree to
- 3 counting the number of years or...
- 4 Q. (BY MR. NOTZON) No, if that's what they based
- 5 their agreement on.
- A. The Budget Council makes its assessment based
- 7 on the case. Some people may look at service and
- 8 service at a prior institution, and they come up with a
- 9 particular decision. Others will look at the case,
- 10 which is precisely the metrics that I was precisely
- 11 referring to in my e-mail.
- 12 Q. Didn't you provide the exact same explanation
- 13 for Dr. Dimakis going up that you provided for
- 14 Dr. Nikolova for going up?
- 15 A. Yes, I did.
- 16 Q. And wasn't that explanation providing the
- 17 explanation going up technically early?
- 18 MS. HILTON: Objection, form.
- 19 A. That explanation was to -- I mean, basically,
- 20 this is not an explanation. It just says: This case is
- 21 technically early because of this particular fact. It's
- 22 not a justification for going up for promotion. I'm
- 23 just stating a fact, and I stated the same fact for
- 24 Nikolova and Dr. Dimakis.
- 25 Q. (BY MR. NOTZON) So in the next e-mail you

- 1 saying that they -- they had the same justification --
  - 2 or Alex Dr. Dimakis had the same justification for going

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- 3 up?
- 4 A. No. I'm saying I don't want to compare to
- 5 these two people, to Alex Dimakis and Deji Akinwande,
- 6 because both of them were superstars and that if I did
- 7 compare her to them, I would anchor on superstars and
- 8 that even if she met the bar, because now the bar is
- 9 raised so high, she would not make it.
- 0 Q. You wouldn't want to compare her to them if
- 11 she's to have a chance is what you're saying?
- 12 A. Yes.
- 13 Q. Okay. And you sent -- you sent that e-mail on
- 14 October 26th, that one, at 6:31 p.m.; but the one on the
- 15 26th at 8:00 a.m. is the first one, 8:55 a.m., correct?
- 16 A. This is what I see from the document that you
- 17 sent me. I don't remember what e-mails I sent, you
- 18 know, on Friday. So I, obviously, don't know what19 happened on, you know, October 26th at 8:00 a.m.
- 20 Q. I'm asking you to confirm that the e-mail has
- 21 a heading that says you sent your first e-mail at
- 22 8:55 a.m. on the 26th of October 2018.
- 23 A. Yes, that's what it says.
- 24 Q. Okay. Let's go ahead and look at the next
- 25 document, which is 7476. That's going to be Exhibit 25.

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- 1 say, "My justification is no different than the
- 2 justification I gave for Alex" -- which is Dr. Dimakis,
- 3 correct?
- 4 A. Yes.
- 5 Q. -- "four years ago. I don't want to compare
- 6 these two cases." Why don't you want to compare these
- 7 two cases.
- 8 A. I didn't want to compare these two cases
- 9 because Alex Dimakis was a superstar. He had started an
- 10 entire new field. He had letters that he brought a
- 11 fresh breath or he's only innovator in information
- 12 theory. He was an excellent teacher. If I made that
- 13 comparison, that essentially would have torpedoed
- 14 Dr. Nikolova's case.
- 15 Q. So when you say, "But, of course, Bill and
- 16 Greg" -- this would be Powers and Fenves, correct?
- 17 A. Yes.
- 18 Q. -- "separately told me that year that Alex" --
- 19 Dimakis -- "and Deji" -- what's Deji's last name?
- 20 A. Akinwande.
- 21 Q. Okay. Is he also within your department?
- 22 A. Yes.
- 23 Q. Okay. -- "were the two strongest cases across
- 24 all of UT that year." So what you're saying is you're
- 25 not trying to compare Dr. Nikolova to them. You're just

- 1 (Exhibit 25 marked.)
- 2 A. Okay. And that's the one that says, "I also
- 3 received this e-mail from Ahmed"?
- 4 Q. (BY MR. NOTZON) Yes.
- 5 A. Okay.
- 6 Q. And I think this is the one you were referring
- 7 to. If you look at this one -- and this one, it's the
- 8 second e-mail on the first page from you, October 26th
- 9 at 9:00 a.m., so five minutes after the other one we
- 10 just saw in Exhibit 24?
- 11 A. Yes.
- 12 Q. And this is from you to Dean Speitel; and it
- 13 says, "Not to be forwarded." Why did you not want this
- 14 e-mail to be forwarded?
- 15 A. Because, essentially, this e-mail is telling
- 16 the dean and associate dean that, "You're having a
- 17 problem" -- I mean, I perceived a discrepancy between
- 18 what I think the implication of what you're asking me to
- 19 do by providing this extra justification and what the
- 20 Provost told us to be doing; or that, "What you're
- 21 forcing us to do, essentially, would mean that we won't 22 be able to implement what the Provost is asking us to
- 23 do."
- 24 Q. And it raises implications of gender bias?
- 25 MS. HILTON: Objection, form.

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1 A. I did also say hope that this question isn't a

- 2 reflection of gender bias.
- 3 Q. Right. Where would the gender bias be?
- 4 A. The gender bias be -- would be because when
- 5 Alex went up, I didn't get such a request; and when
- 6 Nikolova went up, I got the request.
- Q. Okay. And is it accurate that Dr. Dimakis was
- 8 at six years with the combined service, just like
- 9 Dr. Nikolova was?
- 10 A. I don't recall.
- 11 Q. Okay. Do you recall if Dr. Dimakis was
- 12 technically early or truly early?
- 13 MS. HILTON: Objection, form.
- 14 A. I don't recall and cannot even guess because
- 15 he was a superstar, so.
- 16 Q (BY MR. NOTZON) So it could be truly early?
- 17 A. Yes.
- 18 Q. So -- and you said that you were telling the
- 19 Associate Dean and the Dean; but you're not. Your
- 20 actually just telling the Associate Dean, right?
- 21 A. This e-mail is to the Associate Dean.
- 22 Q. And it says not to be forwarded. So if you
- 23 wanted to include the Dean, you could have; but you
- 24 didn't?
- 25 A. Well, yes.

- 1 This is not extra work.
  - 2 MR. NOTZON: Object as nonresponsive.
  - 3 Q. (BY MR. NOTZON) My question is: He's saying

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- 4 you're just put out by the extra work. And I'm asking
- 5 you if it's true. Is it your testimony that, in fact,
- 6 all you're concerned about is doing extra work; and
- 7 you're not concerned with countermanding the Provost's
- 8 strategy and the possibility of a gender bias?
- 9 MS. HILTON: Objection, form.
- 10 Q (BY MR. NOTZON) That's what you're really
- 11 concerned about here?
- 12 MS. HILTON: Same objection.
  - A. I am concerned about the fact that I was asked
- 14 to provide justification that I -- extra justification
- 15 beyond what I have in the letter. The other two topics
- 16 are topics that we dealt with separately. So he is
- 17 right in saying that the current topic of discussion is
- 18 whether I should write another letter or not. The other
- 19 two topics he knew we were going to take in some other
- 20 forum. This is not pressing. I wasn't asked to deal
- 21 with the situation in, like, 24 hours or 48 hours or,
- 22 you know, whatever.
- 23 Q. So when he says basically that's what the
- 24 issue is, do you not see that as a diminishment or
- 25 disparagement of your concern for the Provost's strategy

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- 1 Q. And in contravention of your "not to be
- 2 forwarded message," he immediately forwards it -- well,
- 3 actually, he waits until the afternoon, right? He waits
- 4 until the afternoon to forward it to Dean Wood?
- 5 A. Apparently.
- 6 Q. And he says you seem put out by being asked to
- 7 further justify an early promotion; and that's not what
- 8 you're saying, is it?
- 9 A. No. He -- he -- you know, I -- I don't
- 10 recall; but, you know, I may have given him a call.
- 11 He's seeing these e-mails. I'm pushing back strongly,
- 12 you know, saying, "Why are you asking me to do this
- 13 extra work? I don't want to do this extra work. I've
- 14 finished my letter; it's done." So, yes, I am upset
- 15 that I'm being asked to provide further justification.
- 16 Q. Oh, so your only concern is the extra work; it
- 17 has nothing to do with the countermanding the Provost's
- 18 strategy or the potential for gender bias? That's not
- 19 what you're concerned about?
- 20 A. The con- -- running against the Provost is a
- 21 concern, but the fact that I'm being asked to justify it
- 22 or not justify it is not the topic of this discussion.
- 23 I mean, they're forcing me to add something to my
- 24 letter. That's what I'm objecting to. The other
- 25 aspects are aspects that would be based separately.

- 1 and the potential for gender bias being in existence
  - 2 here?
  - 3 MS. HILTON: Objection, form.
  - 4 A. I'm not going to opine on what he had in his
  - 5 mind when he wrote this. He may have written it
  - 6 quickly. I don't know. I don't know what was in his
  - 7 mind. I don't know what -- what he was up to. I wasn't
  - 8 aware of this e-mail until this case came about. So I
  - 9 really can't say anything about this. I know that we
- 10 continued those discussions, and I just cannot speculate
- 11 on his state of mind.
  - Q. Okay.

- 13 A. You need to ask him.
- 14 Q. So tell me what happened after this e-mail
- 15 that you sent at 9:00 a.m. on October 26th regarding the
- 16 Provost's strategy and the potential for gender bias.
- 17 Tell me all the conversations that you had with Dean
- 18 Speitel, Dean Wood, or anybody else above you in
- 19 administration.
- 20 MS. HILTON: Objection, form.
- 21 A. Three things happened. I added a couple of
- 22 sentences to my letter. And so this is why my letter --
- 23 and I can go back to it here -- was dated October 29.
- 24 This is October 26. So three days later I added those
- 25 two sentences to my letter.

210 212 The discussion about what the Provost is 1 not enough justification," you know, the scenario that 2 asking us to do is something that's lasted for a long 2 played out with Dr. Nikolova would have played out 3 time. We had a long discussion about that that lasted 3 again. 4 several months and on whether these types of 4 Q. Did that happen? A. We didn't have such a case. So, you know, justification and forcing them is good or bad; and that, I don't know that that got resolved. 6 you'd have to see other departments -- if it happened in 7 The discussion about the gender bias was 7 other departments; but in our case, there was no such 8 resolved because, first of all, it was an N of 2. There 8 9 9 were only two people, one male, one female. Q. Okay. So do you see that as the policy 10 10 And in other discussions and other changing? 11 11 actions of both Speitel and Wood, they have shown that MS. HILTON: Objection, form. 12 they were extremely supportive of women; and they were 12 A. Well, what do you mean by do I see this as the extremely supportive of all of the measures and training 13 13 policy changing? 14 that we implemented. So that resolved that particular 14 Q. (BY MR. NOTZON) Good question. Do you see 15 issue. 15 that as the policy changing from what happened before 16 Dr. Nikolova went up to what is happening now? Q. Who were you having the conversations with about the Provost's strategy of hiring assistant 17 MS. HILTON: Objection, form. 17 professors with experience and their interest in being 18 A. I can't pass a judgment on that because it 19 considered for tenure technically early? could very well be that in the intermediate years 20 MS. HILTON: Objection, form. between Dimakis and Nikolova there were other faculty members in a similar situation from other departments 21 A. I had those discussions with the Dean. It was 22 raised in a Department Chairs' meeting with other who were going through that process and the department 23 Department Chairs in the presence of the Dean. It chairs were asked to provide further justification happened in multiple forums, both public and private; 24 beyond just those two sentences. I have no -- zero and it continued into -- well into the recruiting season 25 information. 211 213 the next year. Q. Let me ask it a better way because I'm not 2 Q. (BY MR. NOTZON) To what end? 2 asking if you know what happened elsewhere. 3 MS. HILTON: Objection, form. From your knowledge, do you have any 4 A. As I said, it wasn't resolved. 4 knowledge that the policy changed from what you knew to 5 Q. And what does that mean to you? exist with Dimakis to what you were then told after you 6 A. What it means to me is that the concerns we put your letter up for Dr. Nikolova? 7 had about the policy -- I mean, the policy wasn't 7 MS. HILTON: Objection, form. 8 changed, I mean; and, you know, the Dean didn't say, A. For me to ans- -- policies change. Policies "Yeah, this was a mistake. I should have used another are not aimed at a department or an individual. So for 10 argument" or "Yes, you know, we'll change; we'll try to me to say that a policy has changed, I really need to 11 address this." There was no resolution. 11 know what happened between -- in the intermediate years. 12 12 Q. So when you say there's no resolution; the MR. NOTZON: Objection, nonresponsive. 13 policy didn't change, what does that mean? Does that 13 Q. (BY MR. NOTZON) My question isn't whether the mean that faculty -- from your experience, faculty that 14 policy changed or not. Okay? Please listen to my 14 15

have achieved six years from prior service and current question. My question is: It's true, is it not, that service are still available to be considered for tenure you don't have any information which would confirm for technically early? you that there was any change in the policy between the MS. HILTON: Objection, form. time that Dimakis went up and the time after you submitted your first draft of the letter for Nikolova, A. What that means is if there was another person the following year going up for promotion, let's say in 20 correct? MS. HILTON: Objection, form. 2019, and I had to write a letter for that person and I 21 22 A. I was not informed prior to submitting my would used exactly the paragraph that you have in the 23 letter for Nikolova that there was a change of policy. other exhibit about technic- -- well, you know, "Counting the other years, this would not be an early Q. (BY MR. NOTZON) Okay. And, in fact, you case." If they would have come back and said, "That's weren't told that there was a change of policy after you

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1 submitted your letter to Nikolova; you were just told

- 2 that it was unacceptable?
- 3 MS. HILTON: Objection, form.
- 4 A. That is not correct because --
- 5 Q. (BY MR. NOTZON) Where does it say -- where
- 6 does it say in that e-mail that there's a policy change?
- 7 A. Well, an e-mail -- that e-mail is not all the
- 8 discussions we had about the topic. If that policy was
- 9 a Nikolova special, I would not have had this discussion
- 10 with the Dean. We would not have had the discussion at
- 11 the Chairs' meeting. We would not -- that would not
- 12 have impacted our ability to recruit faculty members.
- 13 MR. NOTZON: Objection, nonresponsive.
- 14 Q. (BY MR. NOTZON) I didn't say it was a
- 15 Nikolova policy, did I? I didn't. I said that there's
- 16 nothing in the writing to you telling you that your
- 17 justification for Nikolova is insufficient, is there?
- 18 MS. HILTON: Objection, form.
- 19 A. Did you read the e-mails from the very
- 20 first -- I mean, in the first exhibit, the e-mail coming
- 21 from Sanjay Shakkottai?
- 22 Q. (BY MR. NOTZON) Answer my question.
- 23 A. Well, to answer your question, I am asking
- 24 whether you read that e-mail. That e-mail says, "Please
- 25 provide further justification."

- 1 e-mails does not have the word "policy change," yes,
  - 2 that trail of e-mails doesn't have the word "policy
  - 3 change."
  - 4 Q. Okay. And it comes after you submitted your

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- 5 Nikolova letter?
- 6 MS. HILTON: Objection, form.
- 7 A. The question comes after I submitted my
- 8 Nikolova letter.
- 9 Q. (BY MR. NOTZON) And this is the first time
- 10 that you've received a request for additional
- 11 information related to justifying a technically early
- 12 applicant for tenure, correct?
- 13 MS. HILTON: Objection, form.
- 14 A. I can't say that for sure. I mean, I know
- 15 that for Dimakis that wasn't the case. That's sort of
- 16 what I remember. I don't remember what happened in
- 17 other similar cases. For example, you mentioned Sujay
- 18 Sanghavi. I don't remember what happened then. And the
- 19 fact that you get questions after submitting your letter
- 20 is not unusual.
- 21 Q. (BY MR. NOTZON) You know that Sujay Sanghavi
- 22 went up before Dimakis?
- 23 A. Yes, I do.
- 24 Q. So it couldn't have happened after
- 25 Dr. Dimakis?

- 1 Q. Where are you talking about?
- 2 A. Well, in 7476. I don't know what exhibit that
- 3 is because I don't have exhibit numbers.
- Q. Exhibit 25.
- 5 A. So at the very bottom, there is an e-mail from
- 6 Sanjay Shakkottai that says, "Dear Jerry, the CSE P&T
- 7 Committee has the following question" blah, blah, blah.
- 8 "The committee requests that the ECE Chair provide
- 9 additional justification for the timing of the promotion
- 10 application of Dr. Nikolova."
- 11 Q. That's a request. That's not a policy --
- 12 statement of a policy change.
- 13 A. That's a request.
- 14 MS. HILTON: Objection, form.
- 15 (Simultaneous speakers.)
- 16 Q. (BY MR. NOTZON) That doesn't say there's a
- 17 policy change. They're just making a question to you.
- 18 MS. HILTON: Objection, form.
- 19 Q. (BY MR. NOTZON) Correct?
- 20 MS. HILTON: Same objection.
- 21 A. They're asking me to do something.
- 22 Q. Yes, without a statement that there's a policy
- 23 change, correct?
- 24 MS. HILTON: Objection, form.
- 25 A. Well, if you're asking me, this trail of

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- 1 MS. HILTON: Objection, form.
- A. I don't recall who else it might have
- 3 affected.

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- 4 Q. (BY MR. NOTZON) Okay.
- 5 A. But I know I remember that it didn't happen
- 6 for Dimakis. That's what I remember.
- 7 Q. Okay. And you can't name anybody that was
- 8 technically early between Dimakis and Nikolova that
- 9 you -- that came from your department, correct?
  - MS. HILTON: Objection, form.
- 11 A. I don't remember any.
- 12 Q (BY MR. NOTZON) Okay. Besides this change of
- 13 justifying the technically early consideration of
- 14 Nikolova compared to what you experienced with Dimakis,
- 15 was there any other change that you observed in the
- 16 Nikolova tenure consideration process?
  - MS. HILTON: Objection, form.
- 18 A. Not that I recall -- well, actually, I take my
- 19 answer back. So the other change, which was unusual,
- 20 was for the Dean to let me know in November that she was
- 21 going to recommend that Nikolova was not going to be
- 22 promoted and asking me to speak with Nikolova.
- 23 Q (BY MR. NOTZON) Okay. That had never
- 24 happened before?
- 25 A. That had never happened before.

Q. Let me ask if the Dean had ever denied

- 2 tenure -- or had the Dean ever talked to you about her
- 3 proposed denial of tenure -- well, let me -- I'm sorry
- 4 about the confusing question. Let's start over.
- 5 Did the Dean, while she was Dean and you
- 6 were Chair, ever deny tenure to a candidate from your
- 7 department other than Dr. Nikolova?
- 8 A. Yes.
- 9 MS. HILTON: Objection, form.
- 10 A. Yes. The year before she denied tenure to a
- 11 male faculty member.
- 12 Q (BY MR. NOTZON) Okay. So that's -- I guess
- 13 that was why I asked the question. When she did that,
- 14 did she come to you to ask you to talk to that faculty
- 15 member to -- about that potential denial?
- 16 MS. HILTON: Objection, form.
- 17 A. No, she didn't.

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- Q (BY MR. NOTZON) Okay. So that's why you're
- 19 talking about it being unusual?
- 20 A. That's correct.
- 21 Q. Okay. Anything else that you can recall?
- 22 A. No, that's -- you know, those are the two
- 23 things that I remember that sort of stuck in my mind.
- 24 Q. Okay. And what did she ask you to talk to
- 25 Dr. Nikolova about?

- 1 MS. HILTON: Objection, form.
- 2 A. I asked her to take a look at the dossier so
- 3 that she can see all what's in it and the letter of the
- 4 Dean in particular and then make up her mind or decide

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- 5 to write a rebuttal.
- 6 Q (BY MR. NOTZON) Did she -- you and her have
- 7 any conversations about your letter and the lack of
- 8 glowing recommendation that would come with a stronger
- 9 tenure letter?
- 10 A. As I stated earlier, she, Dr. Nikolova, saw my
- 11 letter before it was ever sent to the college. So she
- 12 saw the first version of my letter. She probably
- 13 provided some feedback. So she knew what was in the14 letter.
- 15 Q. Do you think, as an Assistant Professor, that
- 16 she would know where -- in other words, wouldn't you
- 17 agree that she is an uninitiated person in the process
- 18 of writing tenure letters?
- 19 MS. HILTON: Objection, form.
- 20 A. There is an expectation -- and that, I
- 21 believe, was clearly stated in the Dean's letter -- that
- 22 Dr. Nikolova would also look at what was mentioned in
- 23 not my letter but, you know, some of the facts that I
- 24 allude to in my letter, like the student comments and
- 25 that in her teaching statement would have responded to

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- A. She explained to me that she doesn't want to
- 2 lose Dr. Nikolova and that given that she's recommending
- 3 that Dr. Nikolova not be promoted and given that the
- 4 Presidential Committee can make a recommendation to deny
- 5 tenure and make that her out year, that she would
- 6 recommend that Dr. Nikolova consider withdrawing her
- 7 case so that we don't run this risk.
- 8 Q. Okay. And did you talk to Dr. Nikolova about
- 9 that?
- 10 A. I did.
- 11 Q. And tell me about that conversation.
- 12 A. I mean, I don't recall the precise
- 13 conversation; but I relayed to her what the Dean had
- 14 told me. And I relayed to her the fact that if she's
- 15 denied promotion, that could be her terminal year. I
- 16 remember that we had a question and we wanted to confirm
- 17 that that was the case. So Dean Wood was going to talk
- 18 to an Associate Provost; and she did and came back
- 19 confirming that, yes, the Promotion and Tenure -- the
- 20 Presidential Committee could make that the out year for
- 21 Nikolova.
- 22 Q. Okay. And did you tell her any of the things
- 23 that you felt about her dossier being weak or not -- you
- 24 know, on the fence or any of those comments that you
- 25 made?

1 those comments.

- So we expect an Assistant Professor who
- 3 is ready to be promoted to an Associate Professor to
- 4 understand what are the expectations when it comes to
- 5 teaching and research; and if there are gaps that others
- 6 are going to pick up, that that person, in their
- 7 statement, would address these gaps.
- 8 MR. NOTZON: Objection, nonresponsive.
- 9 Q. (BY MR. NOTZON) My question is: Don't you
- 10 understand that Dr. Nikolova would be a novice and not
- 11 understand the nuance of -- the nuances of your letter,
- 12 as you testified in introducing it, that it has these
- 13 less-than-obvious statements that only the initiated
- 14 would identify as being unflattering?
  - MS. HILTON: Objection, form.
- 6 A. As I just answered, when someone who is ready
- 7 to be promoted from Assistant to Associate Professor
- 18 would -- should know what the expectations are and
- should be able to see the weaknesses. My letter statedsimple facts.
- 21 We're probably the only department where
- 22 the Department Chair shares his or her letter with those
- 23 coming up for promotion. Normally, those going up for
- 24 promotion don't see the Department Chair's letter.
  - And the year after you're promoted, you

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1 actually do attend promotion cases and you vote on these

- 2 cases. So there's nothing magical on, you know,
- 3 September 1st of your promotion where suddenly you know
- what it means -- what it takes to be promoted to an
- Assistant Professor and you're able to understand gaps
- in teaching or research or a strong case. You know,
- 7 this is something that you're supposed to have
- understood and grown over time.
- 9 You are an adult. We're asking you to
- 10 teach students with certain expectations from you, and
- 11 that's exactly what we expect from Nikolova or someone
- 12
- Q. So I take it from your testimony that you 13
- would agree you did not walk her through your letter and 14
- 15 identify the weaknesses; you expected her to do that on
- her own? 16
- 17 MS. HILTON: Objection, form.
- 18 A. It is not my obligation to show her my letter
- and it's not my obligation to walk her through anything 19
- and it's not my obligation to tell her how to respond to 20
- specific statements. It is her obligation to understand 21
- and review the student comments, for example, to be able 22
- 23 to respond to them from year to year and to address them
- 24 in her teaching statement.
- 25 MR. NOTZON: Object as nonresponsive.

- 1 you've testified to today, correct?
  - MS. HILTON: Objection, form.
  - A. Well, I don't recall saying anything else
  - about Dean Fenves advising me to do. So if you can jog

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- my memory and tell me what he had told me that I don't
- know, I would be appreciative.
- 7 Q. (BY MR. NOTZON) If you don't remember your
- 8 testimony, that's -- that's fine.
  - There was a question -- oh, let me -- let
- me -- there was a question about the obtaining the Texas
- A&M University student scores and I believe you blamed
- 12 Dr. Nikolova for having access to her file and not
- 13 recognizing that she needed to fix the absence of that
- 14 information instead of the Department having the
- 15 responsibility to do that. Do you remember that
- 16 question?
- 17 MS. HILTON: Objection, form.
- 18 A. I stated earlier that UT will look only at the
- 19 information coming from UT. So the Department didn't
- have an obligation to seek these letters or this
- information and Dr. Nikolova had access to her dossier
- as it was being formed and she could have said, "I
- really want these to be in" and we would have sent an
- 24 official request to get them in.
- 25 Q. (BY MR. NOTZON) You do recall having a

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- Q. (BY MR. NOTZON) That's not my question. I
- didn't ask if you have an obligation. I asked: Is it
- true that you did not walk her through your letter and
- identify the issues that she needs to respond to,
- 5 correct?

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- 6 MS. HILTON: Objection, form.
- A. I will respond again: It's not my obligation
- to do so, and I've never done it. 8
- Q (BY MR. NOTZON) Thank you for at least
- answering it in a shorter fashion and eventually, 10
- 11 instead of initially and then providing information. I
- would appreciate it if you do it that way next time. 12

Let me add: I've never done it with anyone.

- not just with Dr. Nikolova. Let me be clear on what I 14
- mean by my answer. 15
- 16 Q. Thank you.
- 17 But you happily took Dean Fenves'
- 18 tutelage on how to write a letter, didn't you?
- MS. HILTON: Objection, form. 19
- 20 A. I -- that last sentence in the letter is
- important. It sends a clear message to the committee; 21
- 22 and, yes, I took that into account in writing the
- letter. 23
- 24 Q. (BY MR. NOTZON) That's not the only thing
- that Dean Fenves advised you on in the letter that

conversation with Dr. Nikolova in the Spring of 2018

- when there was discussion between you and her about
- preparing her dossier that you had indicated that
- getting those scores was on the task list and that you
- and the Department would obtain them?
- 6 MS. HILTON: Objection, form.
- A. I don't recall the content of our conversation: but if that was on the task list.
- Dr. Nikolova is supposed to make sure that her dossier
- and everything on the task list was done. We're the
- 11 only Department that offers assistance to Professors who
- are going up for promotion, like, in assisting her; but
- 13 at the end of the day, it's her responsibility to make
- sure that any information she wants to be in there is 14
- 15 included and all the official information is included.
- 16 Q. So why do you -- do you have any
- understanding as to why, then, CCAFR would say that it's 17
- the Department's responsibility to make sure that the
- dossier's complete? 19
- 20 MS. HILTON: Objection, form.
- 21 A. So CCAFR stated their opinion; and as I
- recall -- and, again, this was, you know, two years ago
- or three years ago, President Fenves responded to that
- and explained how CCAFR got a higher collection of their
- statement incorrect.

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1 (Exhibit 26 marked.)

- 2 Q (BY MR. NOTZON) Go ahead and look at
- 3 Exhibit 26 that I just put in the chat. It's the CCAFR
- 4 report with the interview to you -- or of you and the
- 5 appendix.
- A. Do you want me to read the whole thing, or
- 7 what do you want me to do?
- 3 Q. I don't, unless you want to. Your interview
- 9 is, I believe, on page 12 and 13 of 18 pages. And if
- 10 you look at the top, the first bullet on page 13, that's
- 11 where you say that Dr. Nikolova had access to her file
- 12 and she should -- it's her responsibility to make sure
- 13 it's complete.
- 14 A. Where is that?
- 15 Q. I said the first bullet on page 13.
- 16 A. Yes.
- 17 Q. And do you recall that -- I mean, I can point
- 18 you in the CCAFR report, but do you recall that they had
- 19 ruled that it was the Department's responsibility, not
- 20 hers? Or do you want me to point that to you?
- 21 A. They ruled -- I mean, they ruled that; but
- 22 then, the President responded to that and pointed out
- 23 that they incorrectly ruled that.
- 24 Q. I heard you the first time. I just was asking
- 25 about this particular document.

1 A. I -- I would have to read the whole thing; and

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- 2 this is, again, so long time ago that I don't remember
- 3 what we discussed or not discussed.
- 4 Q. Go ahead. It's two -- a page and a half.
- 5 A. Even if I read the page and a half, I wouldn't
- 6 be able to confirm or not confirm because this is so a
- 7 long time ago that I -- I just don't remember what
- 8 happened in the meeting.
- 9 Q. Go ahead and read the page and a half, and
- 10 then you can answer.
- 11 A. (Witness silently reading document.)
- 12 Q. So I'm going ask you -- sorry to interrupt
- 13 your reading -- but I'm going to ask you either to
- 14 confirm that that's an accurate transcription of your
- 15 answer; or if you don't recall what your answers were,
- 16 if, in reading these, they convey what you believe to be
- 17 true, sitting here today. Thank you.
- 18 A. (Witness silently reading document.)
- 19 So I don't recall whether that was
- 20 exactly what I said, but what's in there is what I've
- 21 been telling you and what I likely would have said.
- 22 Q. Okay. So if I asked you those questions,
- 23 those would be your answers today?
- 24 A. Yes.

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25 Q. Okay. Thank you.

2 Professors opinions.

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3 Q. I'm not asking what the document is, sir. I'm

A. That particular document is a group of

- 4 just asking you if you agree that they found that, or do
- 5 you need me to point it out to you?
- 6 A. Point it out to me; and then, yes, this is
- 7 what they -- you know, so point it out to me.
  - Q. Okay. Look at page 6 in Item Number 7.
- A. Okay. They say "the subcommittee believes."
- 10 Q. I don't need you to read it. I just need you
- 11 to confirm if I said -- what I said was correct?
- 12 A. Can you repeat what you said?
- 13 Q. That CCAFR had found it was the Department's
- 14 responsibility, not Dr. Nikolova's, to make sure that
- 15 her dossier was complete?
- 16 A. It said that it believed. It didn't say:
- 17 This is the case, and it contravenes to rule X, Y, and Z
- 18 in the UT process.
- 19 Q. Okay. So that's a "yes"?
- 20 A. It's not a "yes." It says it believes that.
- 21 Q. Right, it believes. Okay.
- 22 Oh, going back to page 12 and 13, there's
- 23 an interview of you. Do you agree that that's an
- 24 accurate representation of your answers to their
- 25 questions?

1 (Exhibit 27 marked.)

- 2 Q. (BY MR. NOTZON) There's an Exhibit 27 now
- 3 that I put up there -- that's going to be Exhibit 27 --
- 4 in the chat, the next document. And it starts with the
- 5 e-mail from Dr. Nikolova on February 19th, on page 4 of
- 6 7, about the -- her case and making her denial of tenure
- 7 issue public?
- 8 A. Yes.
- 9 Q. Okay. And you recall receiving this e-mail?
- 10 A. Yes, I received it, along with others.
- 11 Q. Okay. And did you know Dr. Nikolova was going
- 12 to send it before she sent it?
- 13 A. I don't recall that I knew that ahead of time.
- 14 Q. Okay. Did you have any conversations with her
- 15 about this e-mail?
- 16 A. I don't recall having conversations with her
- 17 about the e-mail.
- 18 Q. Okay. Dean Speitel and Dean Wood seem very
- 19 concerned that you quell the unrest in your department
- 20 as quickly as possible; is that correct?
- 21 MS. HILTON: Objection, form.
- 22 A. That I -- were concerned that I quell the
- 23 unrest?
- 24 Q. (BY MR. NOTZON) Yes.
- 25 A. They were -- they wanted me to address

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1 misinformation that might have been in the e-mail that

- 2 she sent.
- 3 Q. Okay. So, yeah, in your e-mail of
- 4 February 19th at 8:50, on the top of page 3 --
- 5 A. Yes.
- 6 Q. -- it says, "I will" -- "My original plan was
- 7 to talk about the points that Jerry," which is Dean
- 8 Speitel, "mentions below. I will probably also need to
- 9 rebut incorrect statements that she made in her e-mail."
- 10 And what were those incorrect statements?
- 11 A. It was so long ago that I'd have to read her
- 12 e-mail; and so if you want me to do this, I'm happy to
- 13 do it.
- 14 Q. Okay.
- 15 A. And I'll have to very carefully read her
- 16 e-mail. So I might take a long time. Do you want me to
- 17 do that?
- 18 Q. Probably. Let me look before you do that.
- 19 In the next e-mail -- so as you go up to
- 20 page 2 -- Dean Speitel says something about Kim, and
- 21 that would the Dr. Kim that left UT; is that correct?
- 22 MS. HILTON: Objection, form.
- 23 A. I am lost now. Which page?
- 24 Q. (BY MR. NOTZON) The bottom of 2, the e-mail
- 25 following yours about incorrect statements.

- 1 says, "It went fine. I'm glad I had it because of the
  - 2 misinformation her e-mail has generated across the
  - 3 department." So there's misinformation that you say is
  - 4 in the e-mail, and now you're saying there's
  - 5 misinformation generated across the department. Are
  - 6 those the same misinformation, or you don't know?
  - 7 MS. HILTON: Objection, form.
    - A. I would have to go back and read the e-mail.
  - 9 I have a vague memory of a couple of issues that came up
  - 10 in my meetings with the assistant and associate
  - 11 professors; but, again, if you want me to read the
  - 12 e-mail, I'll gladly do it.
  - 13 Q. (BY MR. NOTZON) Okay. Let me -- before you
  - 14 go there, let me put up another document and see if this
  - 15 is the stats that Dean Speitel had sent you and whether
  - 16 it's the corrected one or the uncorrected one. So this
  - 17 will be Exhibit 28.
  - 18 (Exhibit 28 marked.)
  - 19 A. I wouldn't be able to tell you whether this is
  - 20 the corrected or not corrected because I don't have
  - 21 these numbers memorized.
    - Q (BY MR. NOTZON) Okay. But it's one or the
  - 23 other?

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- 24 A. It is one or the other, yes.
- 25 Q. Okay. Before you go on to read the -- let me

- 1 A. Yes, this would be about Dr. Miryung Kim.
- 2 Q. Okay. And do you recall if Dr. Nikolova was
- 3 referring to her or referring to someone else?
- 4 A. Again, I -- I'd have to go back and read the
- 5 e-mail; and if you're going to ask me questions, then I
- 6 have to take my time to read the e-mail.
- 7 Q. Okay. Let's keep going up the chain towards
- B the top of the document, which means we're going down --
- 9 forward in time. And you ask, "Is this ECE or CSE," and
- 10 that's the data that Dean Speitel had sent you?
- 11 A. That's correct.
- 12 Q. And he admitted that it was CSE, which is the
- 13 College of Engineering, right?
- 14 A. That's correct.
- 15 Q. Which you're saying, "I'd rather have the ECE
- 16 because it's our department that's at issue," correct?
- 17 A. That's correct.
- 18 Q. And then as you keep going up, he says the EC
- 19 is broken out. "The numbers are small, so I would be
- 20 cautious..." And then he says -- he sends it again and
- 21 says, "I made a mistake." Do you remember what the
- 22 mistake was?
- 23 A. No, I don't.
- 24 Q. Okay. And then the very top e-mail, the last
- 25 e-mail in chain from you to -- just to Dean Speitel, it

1 put another e-mail up, Exhibit 29.

- 2 (Exhibit 29 marked.) -
- 3 A. Okay.
- 4 Q (BY MR. NOTZON) Let me know when you're
- 5 ready.

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- 6 A. Yeah, I opened the e-mail -- I opened the -- I
- 7 mean that's the one that starts, "Thank you, Evdokia"?
  - Q. Yes, uh-huh. It's a fairly short document.
- 9 Go ahead and read it, please.
- 10 A. (Witness silently reading document.)
- 11 Okay.
- 12 Q. So looking at her e-mail to you, the first in
- 13 the chain, December 12 at 4:35, do you understand that
- 14 this is the first time that you can recall that she is
- 15 raising concerns about pregnancy or childbirth?
- 16 A. As I mentioned to you, I don't know exactly
- 17 when it was. We had a discussion at some point in time
- 18 during that process about her concern that the CIS
- 19 scores would be -- you know, would go down or could go
- 20 down when -- when the teacher is pregnant.
- 21 Q. Did you ever see her -- you understand that
- 22 since this is December 2018, this is in the period of
- 23 time in which she's preparing a rebuttal to Dean Wood's
- 24 evaluation -- I mean, yeah, decision -- no,
- 25 recommendation?

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234 236 1 A. Well, the e-mail, if you read it, says, "I'm 1 representations of your communications with planning to submit a rebuttal in a couple of days this

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- 3 Friday." Q. Right. So that's a "yes"?
- 5 A. Yes, she's submitting a rebuttal two days
- 6

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- 7 Q. Okay. And -- and she's asking you to -- for
- 8 your advice?
- 9 A. Yes, she's asking me for my advice.
- 10 Q. And did you see -- before she sent in the
- 11 rebuttal, did you see the proposed pregnancy/gender
- 12 issues that she's talking about?
- MS. HILTON: Objection, form. 13
- 14 A. I don't recall seeing them.
- 15 Q (BY MR. NOTZON) Did you have a discussion
- 16 about them before she sent in her rebuttal?
- 17 MS. HILTON: Objection, form.
  - A. The only thing, as I mentioned before, that I
- 19 recall was a discussion around CIS scores.
- 20 Q (BY MR. NOTZON) And was the discussion about
- 21 CIS scores related to the rebuttal?
- 22 MS. HILTON: Objection, form.
- 23 A. I don't remember whether it was related to the
- 24 rebuttal or as an explanation for her scores. I -- I
- honestly don't remember.

- 2 Dr. Nikolova?
- A. Well, they encapture one particular set of
- communications with Dr. Nikolova.
- Q. Right. I'm just asking if you question the 5
- authenticity or if these were created and manipulated to
- reflect something that you believe to be untrue or if
- you think that they appear to be accurate.
  - A. For me to say, "Yes, these are absolutely
- 10 true; and there's absolutely no modifications," I would
- 11 have to go and look and see if I can even find these on
- 12 my phone since I've changed phones since then. So I
- 13 presume they are, but that's a presumption.
- 14 Q. Well, I'd like to read them and see if -- and
- 15 I appreciate you're not being able to one hundred
- percent guarantee. I'm not asking for that. I'm asking
- 17 if you can look at them and see, like with your answer
- 18 to the CCAFR interview, if you understand these
- statements to be in line with what you would have said
- or if you believe they misrepresent what you would have
- said at those times.
- 22 A. (Witness silently reading document.)
- 23 Yeah, they seem like what I would have
- 24 said.

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25 Q. Okay. If we look at the bottom there,

Q. (BY MR. NOTZON) Okay. And would it also be

- 2 that you don't remember whether you advised her to say
- something or not to say something about gender or
- pregnancy or other kind of bias in her rebuttal? 4 5 MS. HILTON: Objection, form.
- 6 A. I have absolutely no recollection of what my
- 7 advice to her would have been or might have been.
- 8 Q (BY MR. NOTZON) Did you provide any written
- proposed changes to her rebuttal?
- 10 A. I don't recall whether I did or did not.
- 11 Okay. I'll put up another exhibit.
- 12 MR. NOTZON: Exhibit 29; is that right?
- 13 No. 30.
- 14 THE REPORTER: 30.
- 15 (Exhibit 30 marked.)
- 16 (Brief discussion off the record
- regarding exhibits.) 17
- 18 Q. (BY MR. NOTZON) Let me know when you're
- 19 readv.
- 20 A. Iam.
- 21 Q. Okay. Do you recall these texts?
- 22 A. I don't recall them, but I know that I did
- 23 text Professor Nikolova at various times to provide
- 24 advice.
- 25 Q. Do you see these texts as being accurate

- 1 which are the latest in time, there's one from you on
  - 2 March 22nd, 2019?
  - A. Uh-huh.
  - Do you recall what is -- what you're referring
  - 5 to here?
  - 6 A. The one at 10:51 p.m.?
  - 7 Q. Yes, sir.
  - A. Yes, that would be referring to the letter
  - 9 that she wrote to the President.
  - 10 Q. Okay. I believe the deadline for that may
  - 11 have been the next day; is that right?
  - 12 A. I don't recall when the deadline was, but the
  - 13 deadline typically is in March.
  - Q. Okay. So you start with, "Your arguments and 14
  - 15 case are perfect," and then you advise her on how she
  - should approach things, et cetera. What do you recall
  - 17 about her arguments and case?
  - 18 A. I don't recall much about her arguments and
  - 19 case. I recall that I advised her to find someone who
  - had a similar profile and use that to make her case
  - instead of arguing that, "No, my teaching is great,"
  - when others feel it's not great. It's just to find a
  - 23 comparable and say, "Okay. Why did you make this
  - decision when you made a different decision?"
    - Q. And do you recall that she found anyone?

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1 A. Yes, she found Heidari or something,

- 2 "Heidari," you know, a professor in Petroleum.
- 3 Q. Anybody else?
- 4 A. Heidari is the one that I remember.
- 5 Q. Okay.
- A. Maybe she did find other people. I don't
- 7 remember.
  - Q. Did -- did you review Dr. Heidari's data to
- 9 see if, in fact, Dr. Nikolova compared positively to
- 10 her?
- 11 MS. HILTON: Objection, form.
- 12 A. I did review what Dr. Nikolova sent me about
- 13 Heidari, and I -- I think it's also in one of my texts
- 14 here. I said that, you know, that her case appears
- 15 weaker. I cannot -- I couldn't say anything beyond
- 16 appear or appears because I am not in Petroleum
- 17 Engineering. I cannot assess someone in Petroleum
- 18 Engineering, and that goes for both teaching and
- 19 research.
- Q. Okay. Let me put up another document.
- 21 (Exhibit 31 marked.)
- 22 Q (BY MR. NOTZON) This is 31.
- 23 A. For some reason, it doesn't...
- 24 Q. You were saying?
- 25 A. For some reason I'm unable to open this. So

- 1 search to find these documents.
  - 2 Q (BY MR. NOTZON) Yeah. I'm saying: Absent
  - 3 any other documents that would turn up, you would agree

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- 4 that this would be, then, the document that was -- you
- 5 were responding to?
  - MS. HILTON: Objection, form.
- 7 A. You're speculating, and I can't answer a
- 8 hypothetical

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- 9 Q (BY MR. NOTZON) Okay. Go ahead and read
- 10 the -- Exhibit 27, the 18961 e-mail from Dr. Nikolova;
- 11 and, if you could, identify the misinformation in that
- 12 e-mail for us.
- 13 A. So you will have to be patient.
- 14 Q. I have the capacity.
- 15 A. Okay.
  - (Witness silently reading document.)
- 17 Q. Oh, you know what? Let me -- I'll ask you
- 18 about one other document before you go on that
- 19 excursion.
- This was marked as Exhibit 11 before.
- 21 Would you rather see it as a spreadsheet, as one? Maybe
- 22 that would be easier instead of having to scroll back
- 23 and forth. I think I can do that. There it is as a
- 24 spreadsheet so you don't have to go back and forth.
- 25 A. Okay.

- I maybe I need to close some of the other ones.
- 2 Q. Are you getting overloaded? Yeah, I'm not
- 3 surprised.
- 4 A. It starts, "I'm working on my letter"?
- 5 Q. Yes.
- 6 A. Okay.
- 7 Q. And you see this is sent on March 22nd at
- 3 4:29 p.m., so before your text at 10-something that day.
- 9 And this appears to be her draft comparison of her file
- 10 to Dr. Heidari's file; is that correct?
- 11 MS. HILTON: Objection, form.
- 12 A. Yeah, that appears to be what she's getting
- 13 at.
- 14 Q (BY MR. NOTZON) Okay. And so would you --
- 15 does this look like what you had been -- would have been
- 16 responding to in your texts?
- 17 A. I don't recall. She may have sent me other
- 18 documents. Maybe she sent me the entire final rebuttal.
- 19 I have no recollection.
- 20 Q. Okay. Absent the existence of any other
- 21 documents or paper trail of her sending you anything
- 22 else, you would agree that this would be what she sent
- 23 you earlier that day?
- 24 MS. HILTON: Objection, form.
- 25 A. No, I don't recall; and I would have to do a

- Q. Okay. So did you play a role in deciding the
- 2 reasons for pay and pay raises from 2013 to 2020?
  - A. Yes, I did.
- 4 Q. Okay. Could you explain why Dr. Nikolova is
- 5 the second lowest paid person in the department, despite
- 6 the multiple individuals that have less experience than
- 7 her?
- 8 MS. HILTON: Objection, form.
- 9 A. The reason is precisely the reasons that we
- 10 discussed earlier. When we make the salary
- 11 recommendations, we take into account the performance of
- 12 the person, what his or her research or activity has
- 13 been, what his or her teaching has been; and if your
- 14 performance is poor, you're going to get poor raises.
- 15 Q. It's accurate that all assistant professors
- 16 have the same duties and responsibilities and
- 17 expectations, correct?
- 18 MS. HILTON: Objection, form.
- 19 A. That is correct.
- Q (BY MR. NOTZON) Okay. And so the only
- 21 difference is their performance. Is that what you're
- 22 saying?
- 23 MS. HILTON: Objection, form.
- 24 A. That's correct. The merit raises reward good
- 25 performance.

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Q. (BY MR. NOTZON) Okay. And those -- the

- 2 performance is based on all the criteria we've been
- talking about, research, funding, service, teaching, all
- 4 that?

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expectations?

- 5 MS. HILTON: Objection, form.
- 6 A. That's correct.
  - Q (BY MR. NOTZON) Is it also based on the
- 8 annual review of exceeds or meets expectations?
- 9 A. It's very loosely correlated with that because
- 10 these annual reviews tend to be on the higher side.
- 11 There are years where everybody in the department got
- 12 "exceeds expectations," and then we had to go back to
- 13 the committee. So that information is typically not
- 14 given a lot of weight in these evaluations.
- 15 Q. Okay. It's not the rating so much as the
- 16 detail supporting the rating?
- 17 MS. HILTON: Objection, form.
  - A. The rating is -- yes, the rating does not
- 19 enter into the equation.
- 20 Q (BY MR. NOTZON) Okay. At all or you just use
- it as a guidepost, but you look below it to see what the 21
- 22 details are?
- 23 MS. HILTON: Objection, form.
- 24 A. It depends on the committee and the year. If
- 25 the committee one year has almost everybody at exceeds

1 expectations or has people who have published no paper

2 as exceeds expectations, then, you can imagine that that

Q (BY MR. NOTZON) Okay. What about a --

A. It could possibly happen because, again, the

teacher and do no research or be a good researcher and

Dean or Associate Dean or Provost or I would take. So

Oh, so you're saying somebody could get an exceeds expectations and somebody else could get a

meets expectations; and, yet, you and the other people

expectations actually performed better than the exceeds

A. The committee is a committee. The committee

is a group of professors who come up with their ratings.

committee might think it's okay for you to be a good

very poor at teaching, but that's not the view that the

Q (BY MR. NOTZON) I don't understand.

deciding on the raises could say that the meets

MS. HILTON: Objection, form.

higher raise than someone who had an exceeds

MS. HILTON: Objection, form.

someone with a meets expectations, would they ever get a

year the ratings will be not even used as a signpost.

They would be completely disregarded.

expectations for that year?

we look at the actual evidence.

- 1 That's their particular view. There are several other
- 2 people in the chain that also will opine on whether a
- 3 particular person exceeds or meets expectations, no
- different than promotion, where the Budget Council has a

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- vote; the Department Chair has a vote, et cetera. The
- same story here.
- 7 Q. So was that a "yes" or a "no"?
- 8 Can you repeat the question?
  - Q. Can someone getting a meets expectations get a
- raise, a bigger raise, than someone with an exceeds
- 11 expectations on the same year?
- 12 MS. HILTON: Objection, form.
- 13 A. Well, who is giving the meets expectations and
- 14 exceeds expectations? Are you referring to the meets
- expectations and exceeds expectations rating of the
- 16 committee; or are you referring to meets expectations
- and exceeds expectations that the Department Chair,
- 18 Dean, Associate Dean, and Provost are providing?
- 19 Q (BY MR. NOTZON) I'm saying what the final
- 20 rating is for the year. Whoever -- you know, whatever
- results in that rating of a meets expectations and an
- exceeds expectations for those two faculty members for
- the year, can somebody get a better raise as a meets
- expectations on their record than somebody who got an
- exceeds expectations for that same year?

- A. There is no final rating. There is the
  - 2 Committee's rating. And, then, the other ratings are
  - the Department Chair, Dean, Associate Dean, Provost; and
  - those are what factor in the promotion.
    - The UT rules say that the rating coming
  - from the Committee is what's provided to the faculty
  - member. The faculty member sees the raises. If they
  - have a complaint about the raises, they come to me; and
  - I explain to them why they got that particular raise.
  - 10 Q. Okay. So if -- so if you're giving a meets
  - expectations and exceeds expectations, you're not going
  - 12 to give a bigger raise to a meets expectations than an
  - exceeds expectations upon your rating. Is that your
  - 14 testimony?
  - 15 A. That's correct. Yes, that is correct. So if
  - 16 I give a meets expecta- --
  - 17 Q. You might do that -- you might do that if it's
  - 18 just from the committee?
  - A. Well, the committee is -- recommendation is
  - one input that I look at; but I also form my own opinion
  - and I have my own rating. The Dean also looks at the
  - 22 information, has her own rating. Presumably, the
  - 23 Provost does the same thing.
  - I make my recommendation based on my
  - assessment. The Dean then approves or does not approve

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1 my recommendation based on her assessment, and then the 1 THE WITNESS: So, you know, I will

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- 2 Provost approves or does not approve the recommendation
- 3 coming from the College based on the Provost's
- 4 assessment.
- 5 Q. Have you ever given a bigger raise to someone
- who got a meets expectations from the committee than
- 7 somebody who got an exceeds expectations from the
- committee?
- 9 A. I don't recall whether I did or did not.
- Q. Do you recall the salary equity assessment 10
- 11 that was made recently, last year or so?
- 12 MS. HILTON: Objection, form.
- A. So in the last year I wasn't at UT, so I don't 13
- know what happened. I did not follow that. So if 14
- 15 something happened in 2020 or something happened after
- December '19, then, you know, I haven't followed that. 16
- Q (BY MR. NOTZON) Okay. So, then, my next 17
- question is: Prior to your leaving, were you aware of a 18
- salary equity assessment having been done? 19
- A. I don't recall that. 20
- Q. Okay. Just to further jog your memory, in 21
- 22 case, it would have been a process by which salaries
- 23 were, quote, unquote, "equalized" or assessed an equity
- assessment to even people out for whatever reason. Do
- 25 you recall that ever happening?

- appreciate getting a five-minute break but then coming

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- back and read it; and that should be on the record as
- part of the time that you're asking me to spend on this
- 5 case.

6

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- MR. NOTZON: If you want to.
- 7 THE WITNESS: Okay.
  - MR. NOTZON: All right.
- 9 THE WITNESS: Thank you.
- 10 THE REPORTER: We're going off the record
- 6:19 p.m. 11
- 12 (Off the record from 6:19 to 6:25 p.m.)
- THE REPORTER: We're back on the record 13
- 14 6:25 p.m.
- 15 Q (BY MR. NOTZON) I'm going to mute myself,
- 16 Professor. So let me know when you're ready.
- 17 A. (Witness silently reading document.)
- 18 Okay.
- 19 Q. I'm back. Go ahead.
  - A. So what do you want me to do?
- 21 Q. So the question I had asked is: What
- 22 misinformation were you referring to in your e-mail from
- her e-mail? And I'll probably ask you some other
- questions since you've read the e-mail. 24
- 25 A. So we can start with, "The Dean's

MS. HILTON: Objection, form.

- 2 A. No. I don't. I may have been told about a
- committee that's looking into this, but I don't -- I 3
- don't recall anything specific. 4
- 5 Q (BY MR. NOTZON) Okay. All right. Well, go
- 6 ahead and look at that e-mail. Do you mind us going off
- 7 the record?

- 8 THE WITNESS: Sure. Go ahead.
- 9 MR. NOTZON: Okay. And just let me know
- 10 when you're ready.
- 11 THE WITNESS: Okay. Well, if you're
- going to go off the record, then, I will also take a 12
- 13 restroom break.
- 14 MR. NOTZON: Oh, please.
- THE WITNESS: I will turn the monitor on 15
- so you'll know that I'm on the record again -- well, 16
- what do you mean by "off the record"? 17
- MR. NOTZON: Yeah. We're stopping. 18
- We're going away. We're going to take a break, you 19
- 20
- 21 THE WITNESS: I mean, if you want me to
- read it, it should be on the record, because you're 22
- asking --23
- 24 MR. NOTZON: We can do that. We can do
- 25 that, too, yeah.

- recommendation 'do not promote' came unexpected and in
- sharp conflict with the prior recommendations.
- particularly for its reasoning, contradicting what I was
- told in annual reviews and in my third rear review in
- terms of what I should work on to have a successful
- tenure case."
- Her third-year review, which happened in
- the same year she was promoted, pointed out that she
- needed to publish more; and it talked about a lack of
- service, a lack of engagement with the Department. That
- 11 letter, she knew, usually is written in the most
- positive manner to assist candidates. The fact that the
- language was in the letter was a big sign for her and
- 14 for me that this was going to be an issue.
- 15 In her annual reviews, we talked about
- going up for promotion earlier than that. We did not go
- up for promotion. The year that we went up for
- promotion, we could not tell the Budget Council ahead of
- time whether she was going to be included in the batch 19
- that was going to be voted on in early May or late April
- because we did not know whether her papers were going to
- be accepted or not. So that is misinformation that's
- 23 totally incorrect.
- Q. Wait. So you're -- are you pointing to
- something in particular in the e-mail, or are you just

250 252 1 responding --1 Wouldn't it be true that if the Dean and the President 2 A. You asked -- you asked me to say what is 2 were improperly motivated and they weren't treating her 3 misinformation or incorrect statements. 3 like everybody else, that could be a reason why they 4 Q. Yes. If you could point --4 raised the bar differently or had the bar differently 5 5 from the Department, correct? (Simultaneous speakers.) 6 Q. You said you were going to go through it. 6 MS. HILTON: Objection, form. 7 Could you point to what you're talking about? 7 A. Your original question and what I've been 8 A. It's just what I told you, the sentence that going through is where there is misinformation or incorrect statements in her e-mail, right? 9 says, "what I was" -- "...contradicting what I was told 10 in annual reviews and in my third-year review in terms (Simultaneous speakers.) 11 11 of what I should work on to have a successful tenure Q. (BY MR. NOTZON) Professor, I'm asking a 12 12 question in following up with what you just said; and 13 Q. Okay. Gotcha. You're saying all of the it's not -- it's a new question. So a new question 14 testimony is saying that what she said there is 14 requires a new answer, not pointing to my original 15 incorrect? question. Do you not want to answer my question? 16 A. What she said there is incorrect. 16 MS. HILTON: Objection, form. 17 Q. Okay. Thank you. 17 A. If you make your question clear, I'm happy to 18 A. And she knew it was incorrect. answer it. If it's a hypothetical, then, I'm not going 19 Q. Okay. That's your testimony. I understand. to answer it. So your choice. 20 A. Okay. Then, she talks about the President and 20 Q (BY MR. NOTZON) My questions are my choice, 21 the Dean having a very different set of promotion that's true; and your answers are your choice. 22 standards from the Department; and there is no evidence 22 It was your hypothetical that I was 23 of the Dean or President having different promotion asking a question about. You stated in answer to my standards than the Department. They look at the same question that their bar could be higher -- the Dean and information. They value the teaching. They value the the President's bar could be higher than the 251 253 1 research. They value the funding. And that's what they 1 Department's bar. And you're saying -- you answer to 2 base their decision on. 2 that was: No, because then a hundred percent of our 3 Q. Do they set the bar the same as the cases would be wrong. 4 Department? 4 And I said: Unless their bar in the 5 A. Different people in the department may have 5 instance of Dr. Nikolova was changed for some other 6 different bars, you know. It is not one plus one equals reason. And that could be -- that could render your 7 two. I mean, it's not that kind of a statement. Okay? assumption that if they changed their bar or if their 8 So -- but if -- if there was a discrepancy between what bar was different, it would be tanking a hundred percent the Dean and the President had in terms of bars and what of your cases. And I said: Isn't that correct? And the Department had in terms of a bar, then, our failure you have not answered that question. 10 11 rate would have been nearly 100 percent because, 11 A. My response to you was not a hypothetical. If essentially, we would be, you know, promoting people at 12 the -- if the bar is different between the Department 12 13 random from the department, like flipping a coin. Maybe and the Dean and the President, then, putting up a it lands this way; maybe it lands that way. That wasn't 14 14 promotion case would be random. 15 the case. There's no evidence of that. 15 If you have an electric device that uses 16 Q. Unless the Dean and the President are treating 16 120 or 110 volts and you plug it in 220, it's going to her differently than other faculty members. That would 17 burn. Okay? So I am not -- I'm not -- this is not a 17 be the outlier that would render your hypothesis hypothetical. There are facts in front of me, and those 19 incorrect? 19 facts do not support your hypothetical. 20 MS. HILTON: Objection, form. Q. You're assuming that they didn't have a 21 A. There is no evidence of that, and Nikolova did 21 different bar when they denied -- when the Dean and the not provide any evidence of being treated differently in President denied Dr. Nikolova, you're assuming they 23 this e-mail or --23 didn't have a different bar, correct? 24 24 MR. NOTZON: Objection, nonresponsive. MS. HILTON: Objection, form. 25 25 Q. (BY MR. NOTZON) Just, my question is: Q. (BY MR. NOTZON) Because you don't know?

1 MS. HILTON: Objection, form. 1

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- 2 A. I am -- I am referring to the sentence in her
- 3 e-mail, Number 1, "The Dean and/or President seem to
- have a very different set of promotion standards from
- 5 the department."
- 6 MR. NOTZON: Objection, nonresponsive.
- 7 Q. (BY MR. NOTZON) I'm not asking you about that
- sentence. I'm not asking you about that e-mail. I'm 8
- asking you about your statement that they didn't have a
- 10 different bar because the evidence you provide for that
- 11 assumption, that conclusion, is that a hundred percent
- 12 of your cases would be denied. Okay? I'm asking you a
- follow-up question to that. 13
- 14 A. Okay.
- 15 Q. All right.
- 16 A. What's the follow-up question, that they
- changed the bar for Nikolova? 17
- 18 Q. You don't know what their bar is, correct?
- 19 MS. HILTON: Objection, form.
- A. No, I know what their bar is because I got to 20
- 21 read the Dean's letter; and I saw the arguments that she
- made and how she made these arguments. She didn't say 22
- 23 that -- well, she didn't say that her argument was, oh,
- we were fine with 3.7 for everyone; and, then, suddenly,
- 25 we're not fine with Dr. Nikolova. She didn't say that,

- MS. HILTON: Objection, form.
- 2 A. No, it's not because the points that the Dean

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- raised in her letter -- so the final conclusion is
- different; but the points that the Dean raised in her
- 5 letter are points that are in my letter, are in the
- dossier, and --
- Q. And are not treated the same and are not
- explained away. Actually, don't -- the part about the
- teaching scores, it's not the same. The part about the
- TAs, it's not the same. The part about anchoring the
- 3.7 as being something that you were going to focus on
- and saying only 16.5 percent of the professors have that
- score when she's actually got a higher -- in the higher
- 14 percentage of the professors, no, it's not the same,
- 15 correct?
- 16 MS. HILTON: Objection, form.
- 17 A. The information in the letter are the same.
- 18 They are looking at the same facts. The fact that the
- Dean reached a different decision, yes, the Dean reached
- a different decision; and that decision, yes, was other
- than the decision of the Budget Council and other than
- my decision and other than the official decision of the
- Promotion and Tenure Committee.
- 24 Q. (BY MR. NOTZON) And the facts are not the
- same, are they?

1 you know, we're fine with -- with people not publishing

- 2 or slow in publications. The arguments that she's
- making in her letter are exactly the same arguments that
- she has made in other cases and we've heard her say
- publicly. So there's no reason for me to speculate or
- 6 to engage in speculation like you are.
- 7 Q. (BY MR. NOTZON) Professor Tewfik --
  - (Simultaneous speakers.)
- Q. Professor Tewfik, you -- you recommended
- tenure. Your Budget Committee recommended tenure 10
- 11 32/1/2/2. The Tenure and Promotion Committee
- recommended tenure at 7/0. They didn't write the first 12
- draft of the letter, as testified to by the Dean; so you 13
- 14 have no evidence there.

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- 15 You don't know what the President's
- reasoning or the President's Committee's reasoning 16
- because it's not in writing and you weren't part of any 17
- conversations with them. Okay? 18
- And you don't know -- so the Dean -- the 19
- 20 only thing you have is the Dean's letter, which is
- 21 contradictory to everything that all those other
- positive voters recommended. 22
- 23 MS. HILTON: Objection, form.
- 24 Q. (BY MR. NOTZON) So that is the different bar
- than you assessed by definition, isn't it?

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- (Simultaneous speakers.) 1
  - 2 MS. HILTON: Objection, form.
  - Q. (BY MR. NOTZON) The Dean does not put
  - anything in her letter about the positives that are in
  - your letter. The positives that are in the Budget
  - Council's assessment, she doesn't put those in there.
  - She doesn't put the positives that are in the Tenure and
  - Promotion Committee's written assessment bullet points,
  - 9 does she?
  - 10 MS. HILTON: Objection, form.
  - 11 A. I -- actually, my recollection does not align
- with what you're stating here. I do -- my recollection
- 13 is that she had some good things to say about the
- research; and the letter wasn't just negative, negative, 14
- 15 negative. And it could not have been negative,
- 16 negative, negative.
- 17 Q. (BY MR. NOTZON) Right. I didn't say all
- negative. It doesn't include justifications. It
- doesn't include explanations. It doesn't include --19
- like with other individuals that go up for tenure that
- have negative spots in their dossier that are excused
- away or explained away or allowed to exist, that -- none
- of that allowing to exist occurred with Dr. Nikolova's
- file, correct?
- 25 MS. HILTON: Objection, form.

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258 260 A. You know, if you want to put the Dean's letter There was a long discussion about that; 2 in the chat and you want me to take a look at it, then, 2 and, in the end, I said that if the College and UT 3 I can answer your question. 3 wouldn't provide me with the money to correct for that 4 Q. (BY MR. NOTZON) On the salaries -- so the 4 inversion, that I would take it from the departmental 5 whole part about the performance on an annual basis, 5 budget. In the end, I was given the money to do this; that deals with the raises, the amount of the raise each and she was a beneficiary of that. So that's the reason 7 year, correct? 7 for the starting salary being different from year to 8 8 year. A. That's correct. 9 MS. HILTON: Objection, form. 9 Q. Yet, she still is the second-lowest-paid 10 MR. NOTZON: What's the objection on 10 person? 11 that? 11 A. She's still the second-lowest-paid person 12 MS. HILTON: I thought it was ambiguous. 12 because there was no such big bump after that, and Maybe I'm just not following you, Robert. It's been a 13 people who come after her that performed better than she 13 14 14 did got higher raises and overtime and had salaries long day. 15 MR. NOTZON: Yeah. Well, please don't 15 higher than hers. say it because you feel that you have to say it every 16 Q. And that would be -- the data for that would 16 17 17 be in -- would it be in writing, the assessment of the 18 Q. (BY MR. NOTZON) So the -- so the salaries -performance that you relied upon to make those how do you account for the difference in the base 19 decisions? 19 20 MS. HILTON: Objection, form. salaries of the people that have, you know, one, two, 20 21 21 three, four, five, six, seven, eight years less A. Yeah, there are Excel sheets that would have 22 experience than Dr. Nikolova and they're getting paid 22 my ratings next to each professor and the recommended 23 more? raised; and then there are inputs from the Dean and the 24 24 Associate Dean. A. What's -- what's the definition of "base 25 salary"? In academia there's base salary and bonus. 25 Q. (BY MR. NOTZON) A spreadsheet?

259 1 There's only one salary, so I don't know what you're A. Yeah. They could be verbal or an e-mail 2 talking about. 2 attached to spreadsheet or, you know, when we'd go into Q. Well, there's -- I'm trying to get at the 3 these discussions, I might say, "Why did you give this 4 differences in pay of Dr. Nikolova being the second person 2 percent? You should have given that person lowest paid person in the department and the others that

are higher paid than her that have less to much, much Q. Okay. One more -- I think one more exhibit.

less experience than her. And you mentioned your

testimony about the difference in the annual raises; but

that doesn't account for the difference in the starting

amounts, correct? 10

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11 MS. HILTON: Objection, form.

12 A. The starting amounts are determined by the 13 market. And so if the market dictates that we start professors at a higher rate, we start them at a higher 14 15 rate.

16 And if you look at Professor Nikolova's salary, you'll see that there is one year where it 17 jumped. The reason that it jumped that year, despite her perhaps less-than-stellar performance, is that in 19

that particular year, we had to raise the salary of

21 incoming, fresh assistant professors. And I wanted to

make sure that there would be no inversion in our

salaries, meaning that the newcomers would not be paid 23

higher than good-performing professors who were already

in the department.

5 only 1.5 percent," and, you know, that sort of stuff.

7 I don't want to get you too excited about that. Do you

see it? 8

9 A. No. I don't.

10 MR. NOTZON: Oh, man. Somebody jacked me when I had it changed. You know who you are. Stop it. 11

Okay. There it is. This will be 12

13 Exhibit 32?

14 (Exhibit 32 marked.)

15 Q (BY MR. NOTZON) And this is the Deposition

16 Notice for today.

17 A. Okay.

18 Q. And you were identified as the organizational

19 rep for -- it's the last page, page 3, of the exhibit.

20 If you could, read that for me.

21 A. "Ahmed Tewfik as the" --

Q. Oh, no, just to yourself.

23 A. Okay. (Witness silently reading document.)

25 Q. And do you understand that you were designated 261

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1 to speak as UT on that topic?

- 2 A. Yes, I do.
- 3 Q. And what did you do to prepare yourself to
- 4 speak on that topic today?
- 5 A. I had conversations with the lawyers, and I
- 6 asked them to send me some --
- 7 MR. NOTZON: No --
- 8 MS. HILTON: Dr. Tewfik, don't -- I'm
- 9 going to instruct you not to give any answers that would
- 10 intrude on the attorney-client privilege.
- 11 Q. (BY MR. NOTZON) So, in other words, what you
- 12 said to them and what they said to you, I'm not asking
- 13 you about; but the fact that you had the conversation
- 14 is -- you can tell me about that and how long it took
- 15 and all that kind of stuff. Just don't tell me what was
- 16 said. Okay?
- 17 A. The conversation was informing me what this
- 18 meant and they asked me what kind of information I
- 19 needed and they provided me information that I needed.
- Q. Okay. All right. And what documents did you
- 21 review?
- 22 A. I asked to get e-mail --
- Q. Just talk about what documents you prepared --
- 24 I mean, you reviewed to prepare for your testimony.
- 25 A. I looked at -- I had asked for --

- 1 documents that you looked at.
  - 2 A. I looked at the -- I browsed through the file,
  - 3 and I browsed through e-mails.
  - 4 Q. The file?

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- 5 A. The promotion file.
  - Q. Okay. All right. And I asked you a bunch of
- 7 questions about what you and the Department and the
- 8 Budget Council did related to the promotion of
- 9 Dr. Nikolova. Were your answers that you gave as
- 10 Professor Tewfik the same as you would have given as UT?
- 11 MS. HILTON: Robert, do we have an
- 12 agreement that by allowing you to ask the question this
- 13 broadly that UT is not waiving any objections to whether
- 14 or not any individual questions and answers were within
- 15 the scope of the topic?
- 16 MR. NOTZON: We had that agreement the
- 17 past two times; so, yeah. But I'd like to get his
- 18 answer.
- 19 MS. HILTON: Okay. That's fine as long
- 20 as we still have that agreement.
- 21 MR. NOTZON: Yes.
- 22 MS. HILTON: Okay.
- 23 A. We talked about a lot of things. My
- 24 understanding is this set of questions is about the
- 25 process, and the answers I gave about the process as

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- 1 MS. HILTON: Dr. Tewfik, do not -- I'm
- 2 going --
- 3 Q. (BY MR. NOTZON) You're referencing your
- 4 communication. So just -- you can tell me what
- 5 documents you looked at.
- 6 MS. HILTON: Yeah, you can tell him what
- 7 documents you looked at. Do not provide any information
- 3 about conversations between you and Counsel.
- 9 THE WITNESS: Okay.
- 10 A. The documents I looked at were e-mails that I
- 11 had asked for and --
- 12 (Laughter.)
- 13 THE WITNESS: Oh, sorry.
- 14 MR. NOTZON: I'm sorry.
- 15 Q. (BY MR. NOTZON) Just talk about what you
- 16 looked at and not how you got it, not where you got it
- 17 or when you got it or anything like that. Okay?
- 18 And I'm sorry. I mean no -- I mean no
- 19 disrespect to you. I hope you don't take offense. I
- 20 hope -- it's late in the day. I hope you're not
- 21 offended by my laughing. I don't mean any disrespect.
- 22 Okay? Are you okay?
- 23 A. Yes, I am.
- 24 Q. Okay. I'm sorry.
- 25 So just talk -- just mention -- list the

- 1 Dr. Tewfik are the same that I would give about the
  - 2 process as UT.
  - Q (BY MR. NOTZON) Okay.
  - 4 MR. NOTZON: All right. Let me --
  - 5 let's -- let me just check with my cocounsel. So we can
  - 6 take a minute, or if you want to --
  - 7 MS. HILTON: That's fine. Why don't we
  - 8 just take a couple-minute break.
  - 9 MR. NOTZON: Okay. Thanks.
  - 10 MS. HILTON: Okay.
  - 11 THE REPORTER: We're going off the record
  - 12 at 6:54 p.m.
  - 13 (Off the record from 6:54 to 6:58 p.m.)
  - 14 THE REPORTER: We are back on the record
  - 15 at 6:58 p.m.
  - 16 Q. (BY MR. NOTZON) Okay. Just a couple of
  - 17 follow-ups and for those in the cheap seats, this is
  - 18 asking questions for you -- from you as an individual,
  - 19 okay, not as UT.
  - 20 On the exhibit 27, when you read through
  - 21 Dr. Nik- --
  - A. Sorry. So are we flipping back to not UT; now
  - 23 I'm Ahmed again?
  - 24 Q. I thought I just said that.
  - 25 A. I just wanted to clarify that.

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266 1 Q. Yes, sir.

- 2 A. Okay.
- 3 Q. That's it's.
- 4 A. Okay.
- 5 Q. Exhibit 27, Dr. Nikolova's e-mail that you
- spent time reading, where she made public her review
- 7 case --

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- A. Yes.
- Q. Okay. -- did you see in that e-mail from her 9
- that she was raising a gender and pregnancy disparity 10
- issues? 11
- 12 A. I would have to go back and read it. You're
- just flip flopping from different things, so. 13
- 14 (Witness silently reading document.)
- 15 Okay. Can you restate the question,
- 16 please?
- 17 Q. Yeah. Do you see that she has raised
- 18 complaints, concerns of gender and/or pregnancy
- 19 discrimination in that e-mail?
- 20 MS. HILTON: Objection, form.
- 21 A. Yes. Her last paragraph is -- mentions that
- 22 she was the only woman among the six promotion
- 23 candidates; and there is another sentence about
- 24 "anecdotally," blah, blah, blah.
- 25 Q (BY MR. NOTZON) Okay. Did -- what is your

- 1 difference in the amount of time it takes for men or

  - 2 women to get to tenure in your department?
  - 3 MS. HILTON: Objection, form.
  - 4 A. I am reacting based on the fact that it
  - 5 normally takes six years for people to be promoted; and
  - as far as I can recall, the only person for whom that
  - has gone beyond the six years, because of the
  - extensions, was Nikolova. Nikolova is one. You know,
  - it's one candidate at the Assistant Professor level that
  - went up for promotion. So you have an N of 1 on which
  - you're basing a conclusion.
  - Q. Okay. The answer to my question is: You
  - 13 didn't go and look at the numbers for your department to
  - 14 ensure that what she said was true or not true; is that
  - 15 correct?
  - 16 A. Do I really need to look at the numbers if
  - she's the only one who went from Assistant to Associate
  - Professor as a woman, as far as I can recall?
  - 19 MR. NOTZON: Object as nonresponsive.
  - 20 Q. (BY MR. NOTZON) My question is: Did you or
  - did you not go and look at the numbers of everyone in
- the department who's gone up for tenure and how long
- 23 it's taken, male versus female?
- 24 A. Well, you asked me the question a minute ago;
- and in between when you asked the question and now, I

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- 1 reaction to those -- to her accusations, her complaints?
- 2 A. My reaction to the fact that she was the only
- 3 woman among the six promotion candidates, well, yes,
- 4 it's a fact she was the only woman among the six
- candidates; but she did not provide any evidence and I
- 6 couldn't see any evidence that played a role anywhere in
- 7 the process at any level.
- 8 And the anecdotal, "It is my impression
- that women in this department have a longer time to
- advancement," that's not true as far as I know. I don't 10
- 11 know that anyone spent more time because she was a woman
- at any rank. 12
- 13 Q. Did you -- did you do any studies of the
- 14 numbers to account for the amount of time that women
- spend on average compared to the amount of time men 15
- 16 spend on average obtaining tenure?
- 17 A. Yes -- well, I didn't do the math; but what I
- know is that people go up for tenure at the time. There
- are very rare cases in which someone went up for tenure 19
- 20 early, real early -- I mean, the true early, not the
- 21 technical early. And I can only remember maybe a couple
- of people for whom that happened.
- 23 Q. So just to clarify, you said you didn't
- 24 actually look at the numbers. You're just reacting on
- your seat-of-the-pants feeling that there is no

1 did not go and calculate these numbers.

- Q. Okav. On the salaries -- well, let me ask one
- more question on that e-mail. If you would have been
- asked for your advice on that, whether or not
- Dr. Nikolova should have sent that e-mail or not, what
- 6 would you have advised her?
- 7 MS. HILTON: Objection, form.
- 8 A. That's hypothetical. But my advice would have
- been to send an e-mail that would be along the letter,
- the rebuttal letter that she wrote. Be factual. Be
- precise. You know, provide a comparison point; and make
- your case that way. Don't make statements that -- or
- accusations for which you cannot provide any evidence.
- Q. (BY MR. NOTZON) Were -- given that you had 14
- earlier raised concerns of potential gender bias, what 15
- were your feelings about her raising gender
- discrimination? Do you think that she was unjustified? 17
- 18 Did you think it was improper?
  - MS. HILTON: Objection, form.
- 20 Q. (BY MR. NOTZON) Do you fault --
- 21 A. I think -- I think it was unjustified because
- 22 there's no evidence of that; and, then, making
- allegations such -- very serious allegations in a public
- forum without backing is very serious.
- 25 Q. Did you talk to her about that?

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272 270 1 A. I didn't talk to her after -- I don't recall, 1 the testimony was going to be about process and that I 2 you know, having a discussion about her e-mail with her 2 would be speaking about the process as UT. The way the 3 after she sent the e-mail. question was phrased, you know, I was sort of concerned Q. Okay. Do you know what she has or what she that because we had such a long discussion about so many 5 does not have in her mind about the reason -- the bases items earlier, that this would give the opposing counsel for her accusations? a license to just take anything and then say that's the A. I don't know what she has in mind. I know 7 UT position. what the facts are. If there are facts that she knows 8 MS. HILTON: Ms. Cunningham, is the -- is Exhibit 30 the Plaintiff's Notice of Oral and Video and no one else knows, then, that's fine. I mean, then, 10 she should have presented those facts. Deposition? I apologize. I haven't numbered this. 11 Q. Okay. And so do you know what is in the mind 11 MR. NOTZON: No, it's 32. 12 of the Dean and the President and the President's 12 MS. HILTON: 32. Q. (BY MS. HILTON) Doctor --13 Committee that voted against her? 13 A. I don't -- so this is pertaining to what, to 14 MS. HILTON: Thank you, Robert. 14 15 gender bias? 15 Q. (BY MS. HILTON) Dr. Tewfik, do you have the Q. Yes. What was motivating them? Exhibit 32, which is the Notice of Oral and Video 16 16 A. I don't know what's in their minds; but what I 17 Deposition in front of you? 17 18 do know is how they acted in various other situations 18 A. Yes. It doesn't have an exhibit number, so. and is there a correlation between such an accusation 19 Q. Okay. Yeah, I understand. 19 20 and their actions, or no? And, to the best of my If you'll just go to page 3, do you see 20 21 knowledge, I have never seen of any of them any action 21 where it says Exhibit A? that would lead me to think that they are biased. 22 A. Yes. 22 23 Q. On the salary issue, you said that you review 23 Q. Okay. And do you understand that that topic 24 listed on Exhibit A encompasses the scope of your data, and then you enter your rating into a spreadsheet. 25 What data are you reviewing? Are you reviewing the testimony on behalf of UT today? 271 273 1 FARs? A. Yes, I do. 1 2 2 A. What I'm reviewing -- ves -- is I -- there is MS. HILTON: No further questions. Thank a Faculty Annual Review and the CV that's submitted in 3 you. September, so by October 1st; and I ask all the faculty 4 MR. NOTZON: Nothing. Thank you. 5 THE REPORTER: Ms. Hilton, do you want a 5 members to send me an updated CV or FAR during the Spring term so that entering into these salary 6 copy of the transcript? discussions, I have the most up-to-date picture of their 7 MS. HILTON: Yes, please. 8 accomplishments. THE REPORTER: All right. This concludes 8 Q. Is there anything else you review besides the deposition at 7:10 p.m. those items that you just testified about? 10 (Deposition adjourned at 7:10 p.m.) 10 11 A. No, these are the items that I look at. 11 --ooOoo--Q. Okay. 12 12 13 MR. NOTZON: Pass the witness. Thank you 13 14 very much. 14 MS. HILTON: One quick point of 15 15 16 clarification. 16 **EXAMINATION** 17 17 18 BY MS. HILTON: 18 Q. Dr. Tewfik, do you understand that the 19 19 20 testimony you gave on behalf of UT was limited to the 20 21 Tenure Review Decision Process relating to the decision 21 22 to deny tenure to Dr. Nikolova relating to the actions 22 23 of the Electrical and Computer Engineering Department 23 24 and Department Chair? 24 25 A. Yes. My understanding was that that part of 25

## Case 1:19-cv-00877-RP Document 38-2 Filed 09/21/21 Page 416 of 543

		274			276
1	CHANGES AND SIGNATURE		1	STATE OF TEXAS )	
2	WITNESS NAME: DATE OF DEPOSITION:		2	REPORTER'S CERTIFICATION	
3	AHMED TEWFIK March 20, 2021		3	I, DEBBIE D. CUNNINGHAM, CSR, hereby	
4	PAGE/LINE CHANGE REASON		4	certify that the witness was duly sworn and that this	
5			5	transcript is a true record of the testimony given by	
6				the witness.	
7			7	I further certify that I am neither	
8				counsel for, related to, nor employed by any of the	
9			9	parties or attorneys in the action in which this	
10			11	proceeding was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor am	
ı			1	I financially or otherwise interested in the outcome of	
				the action.	
_			14	Subscribed and sworn to by me this day,	
			15	April 20, 2021.	
16			16		
17			17		
18			18		
19			19		
_				Debbie D. Cunningham, CSR	
			20	CSR 2065	
			04	Expiration: 6/30/21	
			21	INTEGRITY LEGAL SUPPORT SOLUTIONS P.O. Box 245	
			22	Manchaca, Texas 78652	
25			22	www.integrity-texas.com	
			23	512-320-8690; FIRM # 528	
			24		
			25		
		275			
1	I, AHMED TEWFIK, have read the foregoing				
2	deposition and hereby affix my signature that same is				
3	true and correct, except as noted herein.				
4					
5					
6	AHMED TEWFIK				
7					
8	THE STATE OF )				
9	Before me,, on				
10	this day personally appeared AHMED TEWFIK, known to me				
11	(or proved to me under oath or through)				
12	(description of identity card or other document) to be				
13	the person whose name is subscribed to the foregoing				
14	instrument and acknowledged to me that they executed				
15	same for the purposes and consideration therein				
16					
	expressed.				
17	Given under my hand and seal of office on				
18	this, day of				
19					
20					
21					
22	NOTARY PUBLIC IN AND FOR				
23	THE STATE OF				
24	My Commission Expires:				
25					
1					

276 STATE OF TEXAS 1 2 REPORTER'S CERTIFICATION 3 I, DEBBIE D. CUNNINGHAM, CSR, hereby 4 certify that the witness was duly sworn and that this transcript is a true record of the testimony given by 5 the witness. 6 7 I further certify that I am neither counsel for, related to, nor employed by any of the 8 9 parties or attorneys in the action in which this 10 proceeding was taken. Further, I am not a relative or 11 employee of any attorney of record in this cause, nor am 12 I financially or otherwise interested in the outcome of 13 the action. 14 Subscribed and sworn to by me this day, 15 April 20, 2021. 16 17 18 19 Debbie D. Cunningham, 20 CSR 2065 Expiration: 6/30/21 21 INTEGRITY LEGAL SUPPORT SOLUTIONS P.O. Box 245 2.2 Manchaca, Texas 78652 www.integrity-texas.com 23 512-320-8690; FIRM # 528 24 25

## UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

EVDOKIA NIKOLOVA, \*
Plaintiff, \*

\* CIVIL ACTION NO.

v. \* 1:19-CV-00877

\*

UNIVERSITY OF TEXAS AT AUSTIN \* Defendant, \*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF SHANE THOMPSON, Ph.D.

JUNE 22, 2021

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

THE ORAL AND VIDEOTAPED DEPOSITION OF SHANE
THOMPSON, Ph.D., produced as a witness at the instance
of the Defendant, and duly sworn, was taken in the
above-styled and numbered cause on June 22, 2021, from
9:05 A.M. to 10:15 A.M., before Brian Christopher,
Online Notary Public in and for the State of Texas,
reported remotely by electronic reporting and
transcription, pursuant to the Federal Rules of Civil
Procedure and the provisions stated in the Record or
attached hereto.

## Case 1:19-cv-00877-RP Document 38-2 Filed 09/21/21 Page 419 of 543

	2			4
1	APPEARANCES	1	THE REPORTER: This is a videotape	
2	FOR THE PLAINTIFF:	2	deposition of Shane Thompson, in the matter of	
	THE LAW OFFICE OF ROBERT NOTZON	3	Nikolova v UT Austin. We are located at PO Box	
3	1502 West Avenue Austin, Texas 78701	4	245, Manchaca, Texas 78652. We are on the Record,	
4	(T) 512.474.7563	5	the time is 9:05 am. My name is Brian Christopher,	
5	By: Robert Notzon, Esq. Robert@NotzonLaw.com	6	with Integrity Legal Support Solutions.	
6	AND	7		
7	AND	_	Would all persons present please	
8	CREWS LAW FIRM, P.C. 701 Brazos, Suite 900	8	introduce themselves, for the record, starting with the Plaintiff's counsel?	
	Austin, Texas 78701	9		
9 10	(T) 512.484.2276 By: Robert W. Schmidt, Esq.	10	MR. NOTZON: Robert Notzon and Bob	
11	schmidt@crewsfirm.com	11	Schmidt for Dr. Nikolova.	
	FOR THE DEFENDANT:	12	MR. DOWER: And Benjamin Dower and Amy	
12	OFFICE OF THE ATTORNEY GENERAL OF TEXAS	13	Hilton for University of Texas at Austin.	
13	General Litigation Division	14	THE REPORTER: Okay.	
14	P.O. Box 12548, Capitol Station Austin, Texas 78711-2548	15	Dr. Thompson, would you raise right hand,	
45	Phone: (512) 463-2120	16	please?	
15	By: Benjamin Dower, Esq.	17	SHANE THOMPSON, Ph.D.,	
16 17	benjamin.dower.oag.texas.gov AND	18	having been duly sworn, testified as follows:	
18	Amy Hilton, Esq.	19	THE REPORTER: You may proceed.	
19	amy.hilton@oag.texas.gov	20	MR. DOWER: Okay, before we get going,	
	ALSO PRESENT:	21	the parties have some stipulations that I will	
21	Laura Barbour, In-House Assistant General Counsel, UT Austin	22	briefly read into the record.	
22		23	First, the parties stipulate that this	
23	Jody Hughes, Associate Vice President of Legal Affairs, UT Austin	24	deposition may be taken remotely, via Zoom.	
24 25		25	The parties stipulate that, "objection	
25				
	3			5
	INDEX.		form!! is sufficient to process a chiestians to the	5
1	INDEX	1	form" is sufficient to preserve objections to the	5
2	INDEX Page	2	form of the questions and will be used in lieu of	5
3	INDEX Page Stipulations	2 3	form of the questions and will be used in lieu of the more specific form based objections.	5
2 3 4	INDEX Page Stipulations	2 3 4	form of the questions and will be used in lieu of the more specific form based objections.  The parties stipulated that all	5
2 3 4 5	INDEX Page Stipulations	2 3 4 5	form of the questions and will be used in lieu of the more specific form based objections.  The parties stipulated that all objections, except as to the form of the question	5
2 3 4 5 6	INDEX           Page           Stipulations         1           Appearances         2           Examination By Mr. Dower         5           Signature and Changes         45	2 3 4 5 6	form of the questions and will be used in lieu of the more specific form based objections.  The parties stipulated that all objections, except as to the form of the question or answer, are reserved until trial.	5
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- 1 A. Yes.
- 2 Q. Okay. Have you ever been deposed before?
- 3 A. Yes.
- 4 Q. How many times if you will recall?
- 5 A. I believe it's twice.
- 6 Q. Okay. And are those the two depositions
- 7 that are mentioned in your, I think, the C.V.
- 8 attached to your report?
- 9 A. Yes.
- 10 Q. Okay. So that would be Nessler v. City
- 11 of Grand Junction Colorado and Heredia v. Pueblo
- 12 School District 60?
- 13 A. That's correct.
- 14 Q. Okay. Well then you probably know some
- 15 of the sort of the rules or tricks of the trade
- 16 that I'm going to lay out, but just in case. So
- 17 just to ensure that we have a clean stenographic
- 18 record, I'm going to try to -- or I'll ask you to
- 19 let me finish the question before you start
- 20 answering so we don't talk over each other, and I
- 21 will in turn try very hard not to cut you off or
- 22 interject before you're finished speaking. Do we
- 23 have an agreement that we'll each try not to talk
- 24 over each other?
- 25 A. Yes.

- 1 A. Yes.
- 2 Q. Okay. And I'm not -- this is just for
- 3 the record, I'm not trying to get invasive -- but
- 4 are you on any medication that would affect your
- 5 ability to accurately or truthfully answer my
- 6 questions?
- 7 A. No.

8

- Q. Okay. I frankly don't think this is
- 9 going to go very long, but we may take breaks. And
- 10 if there's any time you need a break, just let me
- 11 know. The only thing I would ask is that, if
- 12 there's a question pending, that you go ahead and
- 13 answer the question before we take a break. Do we
- 14 have an agreement on that?
- 15 A. Yes.
- 16 Q. Okay. Perfect. Okay. Well then, I want
- 17 to start out just by briefly asking you a little
- 18 bit about what you did to prepare for this
- 19 deposition if anything. Did you do anything to
- 20 prepare for this deposition today?
- 21 A. Looked over my reports. Had probably a
- 22 10-minute call with Robert.
- 23 Q. Okay.

7

- 24 A. But that's it.
- 25 Q. Okay. So you looked over your report,

- 1 Q. And that was perfect right there. I know
- 2 you were eager to jump in with the yes and you
- 3 waited beautifully. And because we're creating a
- 4 transcript, you know, the form of answers need to
- 5 be verbal and in a way that's unambiguous. So
- 6 things like uh-hu or uh-huh in which the verbal
- 7 intonation let's the person understand whether it's
- 8 affirmative or negative on a piece of paper those9 look the same. So for answer I would ask that you
- 10 try to keep them to things that are verbal and
- 11 unambiguous on a transcript, do we have an
- 12 agreement on that?
- 13 A. Yes.
- 14 Q. Perfect. If you don't understand the
- 15 question that I'm asking, I promise I'm not trying
- 16 to trick you, it's probably because I just asked a
- 17 confusing question. So if you ever don't
- 18 understand the question I'm asking, can we have an
- 19 agreement that you'll ask me to rephrase or to
- 20 clarify the question? Do we have an agreement on
- 21 that?
- 22 A. Yes.
- 23 Q. Perfect. And so then if you do answer
- 24 the question, may I assume that you understood the
- 25 question?

- 1 did you look over any other documents?
  - A. I skimmed through the expert report of I
  - 3 believe Dr. Deere and then Dr. Glick.
  - 4 Q. Okay. Any other documents you reviewed?
  - 5 A. Yes. Let me see what that is. That's a
  - 6 -- I was sent over Exhibit 38, I don't know how to
  - 7 refer to these, but it was kind of procedure in
  - 8 general guidelines for assistant to associate
  - 9 professor promotions.
  - 10 Q. Okay. Any other documents you reviewed?
  - 11 A. That's it.
  - 12 Q. Okay. So how long would you say that you
  - 13 spent preparing in total?
  - 14 A. An hour.
  - 15 Q. Okay. When you were generating your
  - 16 report, other than Robert Notzon and Bob Schmidt,
  - 17 did you talk with anyone else to prepare that
  - 18 document?
  - 19 A. No.
  - 20 Q. Okay. All right. I'm going to test my
  - 21 ability to upload a document. Let's see. So in
  - 22 the chat now, I'm uploading the revised version of
  - 23 your report, let me know if you see that?
  - 24 A. I do.
  - 25 Q. Okay. And we'll mark that as Defendant's

•

10 1 Exhibit 1. 1 materials that your report and your opinions are 2 MR. DOWER: And Robert were you able to 3 access that?

4 MR. NOTZON: Yeah. MR. DOWER: Okay.

5 6 MR. NOTZON: You didn't want to just keep 6 accurate statement?

7 going in sequential order, so we don't have double numbers? 8

9 MR. DOWER: I'm fine with that if you 10 know what the next number is?

11 MR. NOTZON: It is. It's 67.

12 MR. DOWER: Okay. Well then strike the

Exhibit 1, we'll call this Exhibit 67. Okay. 13

14 BY MR. DOWER:

15 A. And do I click on this or do you --

16 Q. Yes.

17 A. Okay.

18 Q. If you click on it -- I mean, it's

nothing you haven't seen before since you authored 19

20 it. But yeah, if you want to confirm by

downloading it, if you click to open or you hit the 21

22 three ellipses, I believe you'll have the option to

23 open the file.

24 A. Okay. Let's see. It saved it for me.

25 Click to open. Okay. All right.

2 based on. And in the very first paragraph of the

3 introduction, it says, "That the preliminary

4 calculations in this report are based on data and

5 information provided in Appendix B." Is that an

7 A. Let me go see Appendix B real quick.

8 Q. Yeah. Go for it. And it's -- oh it

doesn't look like the pages are numbered after

10

13

11 A. Right. Unfortunately. I should have

12 numbered the pages.

Q. The second to last page of the PDF if

14 that helps.

15 A. Yes. Yes.

Q. Okay. And so Appendix B identifies two 16

17 documents. One, is the Probationary, Tenure Data

excel spreadsheet and then the other is Dr. Glick's

report on stereotyping and bias, is that accurate?

20 A. Yeah. That's correct.

21 Q. Okay. And so are there any materials

22 that are not contained -- or that are not those two

items I should say, upon which you relied on in

generating your opinion in this case?

25 A. No.

11

Q. Were you able to get that open?

2

3 Q. Okay. And will you just confirm for me

4 that Exhibit 67 is the revised version of the

5 report you provided in this case?

6 A. It is.

7 Q. Okay. And I've been told, but I want to

clarify with you, that the only difference between

the revised version and the original version is

that the revised version contains your hourly rate, 10

11 is that correct?

12 A. That's correct.

13 Q. Okav. And is this a true and accurate

14 copy of your report?

15 A. It appears that it is, yes.

16 Q. Okay. That's not intended as a trick

17 question just nothing jumps out to you as amiss?

18 A. No.

19 Q. Okay. All right. Well most of our

conversation today is just going to be going

21 through your report and me asking some clarifying

questions about it and about some of your opinions.

23 So I will try to direct you through by reference to

24 paragraph numbers, just for ease of clarity when

we're speaking. And I want to start with the

Q. Okay. So then skipping ahead to the

2 second page of your report, under the purpose of

3 the declaration you identify three things in

4 paragraph 7 that you've been asked to do, is that

5 accurate?

6 A. Yes.

7 Q. Okay. So this says that you've, "Been

8 asked to perform statistical tests and/or provide

9 opinions," and then it lists, you know, sub a, sub

10 b, and sub c. Are there any opinions that you've

11 been asked to provide that aren't encompassed in

12 those three items?

13 A. No.

14 Q. Okay. And I understand that later -- you

15 know, your report elaborates on those three items,

16 so there's elaboration. I'm just trying to make

17 sure that your opinions are basically on sub a, sub

18 b, and sub c.

A. Yes. 19

20 Q. Okay.

21 A. That's correct.

Q. And so there aren't any opinions that

23 you've been asked to provide that aren't contained

24 in your report Exhibit 67, is that a fair

25 statement?

13

- 1 A. Sorry, can you ask that again?
- 2 Q. Sure. Absolutely. Basically what I'm
- 3 asking is that your report contains the entirety of
- 4 the opinions that you're offering in this case?
- 5 A. That's correct.
- 6 Q. Okay. And thank you for asking me to
- 7 clarify. That's totally welcome.
- 8 Okay. Well then let's sort of hone in.
- 9 I'm going to talk about or ask you about each of
- 10 these opinions sort of one at a time starting with
- 11 the first one. So your first opinion as reflected
- 12 in paragraph 7(a) is regarding whether, "There is
- 13 evidence of different treatment towards female
- 14 assistant professors, specifically in their
- 15 prevalence of early tenure reviews." Is that
- 16 accurate?
- 17 A. That's correct.
- 18 Q. Okay. And your opinion, as reflected in
- 19 paragraph 8 is that, "There is statistically
- 20 significant evidence of different treatment towards
- 21 females in their prevalence at UT of going up for
- 22 early tenure reviews." Is that accurate?
- 23 A. Yes. That's accurate.
- 24 Q. Okay. And in that sentence, you use the
- 25 phrase different treatment. What does different

- 1 I'm trying to identify the actor who is engaged in
  - 2 the different treatment. Is it the -- is it that
  - 3 each individual professor when they decide whether
  - 4 they want to go up early that they are engaged in
  - 5 the different treatment?
    - A. No. So let me zoom out a little bit.
  - 7 Q. Yeah.
    - A. So they have the decision themselves to
  - 9 be considered for early tenure review.
  - 10 Q. Right.
  - 11 A. However, they go up based on their
  - 12 ability to get tenure, which I believe that
  - 13 decision isn't made in a vacuum. In other words,
  - 14 if someone has -- if an assistant professor had
  - 15 shown up and they're in their first year at UT and
  - 16 they may say, "Oh, wow everyone who goes up early
  - 17 gets granted tenure," before 2019. Then maybe in
  - 18 their first year they would say, "I'm going to go
  - 19 up early for tenure," it correlates perfectly to
  - 20 getting promoted. I don't believe that, that
  - 21 decision rests solely on the assistant professors
  - 22 to go up early.
  - 23 Q. And what is that conclusion based on?
  - 24 A. I would say that I don't know the nuances
  - 25 of how this decision is made. I don't believe that

15

- 1 treatment mean as you're using it in that sentence?
- 2 A. So different treatment means that there
- 3 is a different ability in these assistant
- 4 professors to be able to go up for early tenure.
- 5 And then early tenure correlates -- or sorry --
- 6 early review correlates perfectly to promotions.
- 7 So the treatment from the department is based on
- 8 the decision from those early reviews.
- 9 Q. Okay. And who is making the decision for
- 10 those early reviews?
- 11 A. To go up for the early review or to -- so
- 12 it's my understanding that the professors make the
- 13 decision to go up early, the decision to grant
- 14 tenure in that early review is obviously the
- 15 University's.
- 16 Q. Okay. So honing in then on the
- 17 professor's decision to go up early, who is the
- 18 person or persons that you're saying are engaged in
- 19 the different treatment?
- 20 A. The professors themselves -- maybe I need
- 21 that question rephrased.
- 22 Q. Sure. Well so if it's the individuals --
- 23 individual professor's decision that they would
- 24 like to put their tenure case up early, then -- and
- 25 your opinion is that there's a different treatment,

- 1 professors make that decision on their own whether2 to go up early or not.
- O Andread the relieurie with
- 3 Q. And what I'm asking is, what is that
- 4 belief based on?
- 5 A. I suppose that's my own belief that a
- 6 professor doesn't make that decision on their own
- 7 to go up early.
- 8 Q. Okay. And so then to return to my
- 9 question what is the treatment at issue here?
- 10 A. So I suppose that it's in two parts.
- 11 Kind of like I explained before where they're going
- 12 up early, that decision rests on the professor and
- 13 I believe guidance that they're getting from their
- 14 advisory committee about kind of the
- 15 appropriateness of going up early. And then
- 16 everybody who goes up early, receives tenure. And
- 17 so going up early equals tenure, prior to the year
- 18 that Dr. Nikolova goes up. And so the treatment
- 19 from the department is through that mechanism where
- 20 going up early equals tenure and very few female
- 21 assistant professors go up early.
- 22 Q. Okay. So is it possible -- well first of
- 23 all, all of this is based on -- let me rephrase.
- You've never spoken to a faculty member at UT
- 25 about this process, correct?

17

1 A. I have not.

- 2 Q. And you haven't reviewed any deposition
- 3 transcripts in this case, correct?
- 4 A. That's correct.
- 5 Q. Okay. So all of this, what you're
- describing, is effectively your supposition from
- 7 talking with, I guess, Plaintiff's counsel?
- A. Yes. I guess you could say talking with
- Plaintiff's counsel. I don't think it makes any
- sense that an assistant professor would go up early
- 11 without some influence from the Department.
- 12 Q. And in Dr. Nikolova's case the Department
- was very supportive of her, is that your testimony, 13
- 14 or your understanding?
- 15 A. I don't have access to what they
- 16 suggested. My assumption is that she had contact
- or advice from the Department. But again, I
- haven't reviewed any documents or advice they may
- 19 have given her.
- 20 Q. And earlier you said that people who went
- up for tenure early all of them got tenure? 21
- 22 A. Yes. Prior to Dr. Nikolova's tenure
- 23 review, I believe it was in 2019, I may not have
- 24 got that year correct.
- 25 Q. And if someone went forward and I said I

1 would like to go up early, and they were advised we

2 don't think your case is strong enough to merit 3 going up early, then they may not have put their

4 proverbial hat in the ring in terms of going up, is

Q. Okay. But there is a self-selection

MR. NOTZON: Objection, form.

A. I would say my supposition is that if --

Q. All right. Let me move on to table 1 which is directly below paragraph 8. And I want to

19 make sure I understand what the data in this table.

23 professors who went up for tenure from 2009 through

20 I think I do, but I'll walk you through it to make

identifies that there are 65 male assistant

sure I understand. So first of all, this

process going on here in terms of who decides to go

A. I believe that could be correct.

5 that -- is that a fair statement?

A. I don't know.

up for tenure early?

14 BY MR. DOWER:

24 2018. Is that correct?

A. That's correct.

A. Absolutely.

well I'll stop there actually.

Q. Okay.

6

7

8

10

11

12

13

15

16

17

25

Q. Okay. And that's the number in the top

20

- 2 left, the first, I guess, data entry in the top
- 3 left?
- 4 A. Yes.
- 5 Q. Okay. And this is -- or is this male
- assistant professors in the Cockrell School of
- 7 Engineering?
- A. I believe that is the case. I could --
- yes. Yes. That is correct.
- Q. Okay. And of those 65 male assistant
- 11 professors, 24 went up early?
- A. That's correct.
  - Q. Okay. And so that's where you get the 37
- 14 percent statistic under percent early review?
- 15 A. Yes. Correct.
- 16 Q. And then you've got your fraction there
- 17 in parenthesis, 24 over 65?
- 18 A. Yes.

13

- Q. Okay. And so then similarly we've got 21
- 20 female assistant professors who went up for tenure
- 21 from 2009 to 2018, correct?
- 22 A. Yes.
- Q. Okay. And of those 21 who went up for 23
- 24 tenure, two of them went up early?
- 25 A. Correct.

- Q. Okay. And that's where you get the 10
  - 2 percent statistic, it's a little bit -- I think
  - 3 it's a little bit less than that, but it's 2 out of
  - 4 21?
  - 5 A. Yes.
  - 6 Q. Okay. And one of those two was Dr.
  - 7 Nikolova?
  - A. No.
  - 9 Q. No.
  - 10 A. This is pre Doctor Nikolova.
  - Q. Okay. So if we added her, I guess it
  - 12 would be 3 out of and the denominator would
  - 13 presumably change for how ever female professors
  - 14 went up for a year?
  - 15 A. Yeah. And it would also add in the
  - 16 assistant professors who went up in her year as
  - 17 well, so those numbers could have changed.
  - Q. Right. So then going back to paragraph 8
  - 19 in the report, it says this disparity in early
  - 20 tenure reviews between male and female assistant
  - 21 professors is statistically significant at the 5
  - 22 percent level. Is that correct?
  - 23 A. That's correct.
  - Q. Okav. And when an outcome is
  - 25 statistically significant that means that it's

19

Appx.0664

1 basically unlikely to occur by chance?

- 2 A. Yeah. That's correct.
- 3 Q. It's sort of a lay person's sort of
- 4 definition?
- 5 A. Yes.
- Q. And it's not necessarily impossible, it's
- 7 just unlikely?

8

- A. That's correct.
- 9 Q. And so then you basically conclude from
- 10 that, that the disparity in early tenure reviews
- 11 between male and female assistant professors was
- 12 unlikely to happen by chance?
- 13 A. That's right.
- 14 Q. Okay. And do you have an opinion about
- 15 what caused the disparity in early tenure reviews
- 16 between male and female assistant professors?
- 17 A. I don't have an opinion. I guess, the
- 18 cause of why so few females may have gone up and so
- 19 many males may have gone up, there's nuances there
- 20 that I don't fully understand.
- 21 Q. And you would agree that causation and
- 22 correlation are not the same thing?
- 23 A. That's right.
- 24 Q. And so just to use, kind of a silly
- 25 example, roosters crow a little bit before dawn and

- 1 Q. Okay. Perfect. So in paragraph 15, the
  - 2 sort of italicized section, you say that your
  - 3 statistical test is predicated on the question, "If
  - 4 female and male assistant professors were equally
  - 5 capable to go up for early tenure reviews, what is
  - 6 the probability that male assistant professors
  - 7 would go up early four times more often than female
  - 8 assistant professors?" Did I -- did I recite that
  - 9 correctly?
  - 10 A. Yes.
  - 11 Q. Okay. And so in this sentence can you
  - 12 tell us what you mean by "equally capable of going
  - 3 up for early tenure reviews"?
  - 14 A. Sure. So the assumption of this question
  - 15 is that female and male assistant professors are
  - 16 otherwise equal. So there's a lot of unobservable
  - 17 characteristics and qualifications of, you know.
  - 18 Of the 86 professors, we're assuming that there's
  - 19 no material difference between a male and a female
  - 20 assistant professor in those things that we don't
  - 21 observe
  - 22 Q. And some of those -- some of those
  - 23 metrics might be observable in terms of -- you
  - 24 know, there should be -- there could be some
  - 25 quantitative measures of things like publications

23

- 1 then the sun comes up but, you know, we know that
- 2 roosters don't cause the sun to go up?
- A. Right.
- 4 Q. Right. You know, people shop a lot when
- 5 it's cold because of the winter holidays, but cold
- 6 doesn't necessarily cause people to buy more stuff?
- 7 A. Right. Right.
- 8 Q. So sometimes there can be other variables
- 9 that explain the correlation?
- 10 A. Yes.
- 11 Q. And so here the variables that you looked
- 12 at were gender, early tenure decisions, and total
- 13 tenure decisions, correct?
- 14 A. Yes.
- 15 Q. And so would you agree that a
- 16 statistically significant disparity just by itself
- 17 doesn't necessarily tell us what caused the
- 18 disparity?
- 19 A. Yes.
- 20 Q. All right. I want to skip ahead to
- 21 paragraph 15 which is now out of the summary and
- 22 into the body of this section of your opinion. And
- 23 I'll give you a second if you need it to get to
- 24 paragraph 15. Are you there?
- 25 A. Yeah. I'm there.

1 or funding, things like that, correct?

- 2 A. Yes.
- Q. But it's also really hard to run a sort
- 4 of analysis that computes all that because
- 5 professors' statistics aren't -- or I shouldn't say
- 6 statistics -- but that quantitative data doesn't
- 7 necessarily lend itself to an apples to apples
- 8 comparison, fair?
- 9 A. Yeah. I think that's correct.
- 10 Q. Right. Like the number of publications,
- 11 what's considered good in one field might be kind
- 12 of weak in another, things like that?
- 13 A. Yes.
- 14 Q. And what is considered, you know, good
- 15 sufficient funding or robust funding for research,
- 16 you know, if you just look at the number, you know,
- 17 what's considered robust in one field could be
- 18 pretty weak in another depending on all the
- 19 particulars?
- 20 A. Yes.
- 21 Q. Okay.
- 22 A. That's correct.
- 23 Q. Would you agree that your analysis also
- 24 assumes that the assistant professors are equally
- interested in going upward?

1 A. Yes.

- 2 Q. And so, if gender correlated with
- 3 something like risk aversion at least in a
- 4 professional context, that could be an explanation
- 5 for the statistical disparity?
- 6 MR. NOTZON: Objection, form.
- 7 BY MR. DOWER:
- 8 A. It could be an explanation, but there's
- 9 no way to prove that I suppose.
- 10 Q. And similarly there's not really an easy
- 11 way to disprove that is there?
- 12 A. No. Without further data, no.
- 13 Q. Okay. Want to move on then to your
- 14 second opinion. And so I'm going to take a quote
- 15 from paragraph 7(b) but it's -- I don't think it's
- 16 a particularly controversial representation. But
- 17 your second opinion is regarding whether, quote
- 18 there is, "Evidence of different impact towards
- 19 female assistant professors who take probationary
- 20 extensions and go up early." Is that correct that,
- 21 that's the subject of your second opinion?
- 22 A. That's correct.
- 23 Q. Okay. And I'm looking at paragraph 9
- 24 back in the introduction or rather this summary of
- 25 opinions. And so in paragraph 9 you say, "There

- 1 A. Yeah. I couldn't form a statistically
- 2 significant opinion on that matter.
- 3 Q. Okay. And so going back to sort of our
- 4 lay person definition of statistical significance,
- 5 you weren't able to offer an opinion about whether
- 6 or not those numbers occurred as a result of
- 7 anything other than just sort of random chance?
  - A. That's correct. And I would say, too,
- 9 the issue here is sample size. So the ability of a
- 10 statistician to prove or disprove is inhibited by
- 11 the sample size. It doesn't, therefore, rule out
- 12 any possibility. So you rely on the data you have,
- 13 but being true to your practice and conventions and
- 14 statistics, you can't pull out statistically
- 15 significant evidence.
- 16 Q. Right. And I'll give you a hypo that I
- 17 think will help demonstrate the point for both of
- 18 us. If you had a coin and you flipped it once you
- 19 wouldn't be able to say well is this likely to be a
- 20 rigged coin or not, because whatever the outcome
- 21 is, it doesn't tell you anything.
- 22 A. Right.
- 23 Q. And even if you flipped it a couple of
- 24 times, if it landed heads two or even three times
- 25 in a row, you really wouldn't be able to say with

27

- 1 were only three assistant professors who went up
- 2 early after taking probationary extensions." Not
- 3 including Dr. Nikolova, is that correct?
- 4 A. That's correct.
- 5 Q. Okay. And so when you add Dr. Nikolova
- 6 there were only four assistant professors in the
- 7 data you reviewed who both took a probationary
- 8 extension, one or more, and went up early, correct?
- 9 A. That's correct.
- 10 Q. Okay. And so you would agree then -- I'm
- 11 looking at paragraph 10 for this -- that it's
- 12 mathematically impossible to conduct a statistical
- 13 test on such a small sample?
- 14 A. Yes.
- 15 Q. And so, you know, because you're a
- 16 statistician who understands those things, you can
- 17 neither confirm nor disprove whether there was a
- 18 different impact on female assistant professors who
- 19 take probationary extensions at UT?
- 20 A. That's correct.
- 21 Q. Okay. And so because of that, you were
- 22 not able to form an opinion on whether there was
- 23 evidence of different impacts towards female
- 24 assistant professors who take probationary
- 25 extensions and go up early?

1 confidence, oh this coin must be rigged, because

- 2 it's just two small of a repetition to be, you
- 3 know, unlikely to have occurred through just
- 4 happenstance?
  - A. That's correct.
- 6 Q. Okay. And that's kind of the -- I know
- 7 that's a silly example -- but that's kind of
- 8 demonstrating the idea that we're talking about?
- 9 A. Yes.
- 10 Q. Okay. All right. Then I want to just
- 11 move on to the next opinion, the third opinion.
- 12 And again, I'm sort of quoting paragraph 7(c) to
- 13 the extent you want to refer to it. And so your
- 14 third opinion is regarding whether, and this is
- 15 where the quote starts, "There is evidence that Dr.
- 16 Nikolova's denied promotion is statistically
- 17 unexplainable given the in-favor votes she received
- 18 from the departmental budget council and college
- 19 advisory committee." Is that accurate that, that's
- 20 what your third opinion is about?
- 21 A. Yes.
- 22 Q. Okay. And so in that sentence you use
- 23 the phrase, "statistically unexplainable," can you
- 24 explain what you mean by what you mean by
- 25 unexplainable?

29

1 A. Sure. So when you're testing kind of two

- 2 populations, in a traditional sense you're saying
- 3 okay, you've got population A and population B and
- 4 what if there's a difference between those two, and
- 5 given that difference, is the disparity between the
- 6 two groups statistically significant? In this
- 7 case, we have an instance where Dr. Nikolova
- 8 received a 100 percent in favor votes from here
- 9 college advisory committee, and we don't have
- 10 anybody who has ever been in that population who
- 11 has been denied promotion.
- 12 So if I remove Dr. Nikolova from that, I
- 13 don't even have a second group against which I
- 14 could compare the disparity, because a second group
- 15 doesn't exist. So the traditional statistical
- 16 significance between two groups isn't available to
- 17 me. So I've said here statistically unexplainable
- 18 in the sense that, okay, I look at everybody else,
- 19 I run a statistical model that predicts how likely
- 20 they are to receive promotions, and then I apply
- 21 that model to Dr. Nikolova. And so it's not a
- 22 traditional statistically significant threshold,
- 23 because that's impossible given that there was no
- 24 variation in 100 percent vote getters and promotion
- 25 denials.

1

- 1 Q. Sure. I guess what I'm guibbling with is
  - 2 your use of the phrase unexplainable, because it
  - 3 could be just an unlikely event, right?
  - A. Sure. I think you're saying, am I saying
  - 5 it's statistically impossible and that is not the
  - 6 case --

8

31

- 7 Q. Okay.
  - A. -- right. Yes.
- 9 Q. I appreciate the clarity. Okay. I think
- 10 we're on the same page now. So and when you were
- 11 conducting this analysis, you used voting outcomes
- 12 by department budget council and college advisory
- 13 committees as a proxy for the wholistic performance
- 14 records, is that accurate?
- 15 A. That's correct.
- 16 Q. Okay. And so this analysis necessarily
- 17 assumes that these voting records are a good proxy
- 18 for performance records?
- 19 A. Yes. Correct.
- 20 Q. You know, you didn't presume to actually
- 21 go into the merits of Dr. Nikolova's application
- 22 and try to perform, you know, your own separate
- 23 review on how strong the case was, it's based on
- the assumption that voting records at the
- 25 department and college level function as a proxy

- Q. Okay. So if someone got a robust support
- 2 from the college level committee but then didn't
- 3 get tenure, with regards to the statistically
- 4 unexplainable, you would say well that doesn't
- 5 matter because it's not 100 percent and there's no
- 6 other data entry in which someone had 100 percent
- 7 support and did not get tenure?
- 8 MR. NOTZON: Objection, form.
- 9 BY MR. DOWER:
- 10 A. I may need you to rephrase.
- 11 Q. Okay. Well like in your regression
- 12 analysis you concluded that there was about a 1 in
- 13 25 chance that she wouldn't get tenure, right?
- 14 A. Right.
- 15 Q. So then that would -- that is explainable
- 16 in the sense that this could be that 1 in 25
- 17 scenario, right?
- 18 A. I suppose it could be explainable in that
- 19 way. However if we look at traditional statistical
- 20 thresholds, anything below 1 in 20 is considered a
- 21 statistically significant result. And so could it
- 22 have occurred by chance? Nothing is impossible, I
- 23 suppose, but a statistician would reject the idea
- 24 that this occurred by chance, because it falls
- 25 below the traditional threshold.

- 1 for that type of substantive analysis?
  - A. Yeah. The assumption would be that those
  - 3 in the department know the professors and know the
  - 4 holistic intangibles of the professors would know
  - 5 better than me how qualified they are for
  - 6 promotion. You know, the statistician in me would
  - 7 have liked to include all the data, but for the
  - 8 reasons you mentioned earlier, they're not apples
  - 9 to apples across departments and everything else.
  - 10 And so relying on voting committees was the best
  - 11 proxy for a holistic view of the professors.
  - 12 Q. Okay. Are you suggesting that the
  - 13 department and college advisory committee votes
  - 14 predict an outcome, or cause it, or are you not
  - 15 making that distinction?
  - 16 A. They certainly predict an outcome.
  - 17 Causing an outcome, I wouldn't say that.
  - 18 Q. Okay. And you didn't include whether the
  - 19 dean supported or did not support the tenure case
  - 20 in this statistical analysis, correct?
  - 21 A. That's correct.
    - Q. And that would be, I guess, a binary or a
  - 23 dummy variable that's either effectively like one
  - 24 or a zero either yes or a no. Fair?
  - 25 A. Yes.

Q. Okay. And you don't know, sitting here

- 2 today, what that would do to your analysis if you
- 3 added that data as another predictor of outcome?
- A. Yeah. I don't know.
- 5 Q. Okay. And in your analysis of the data
- you found that 13 assistant professors were denied
- promotions? And, yeah, if you need to reference
- the report. I'm sorry, I didn't have a paragraph
- cite for that. I believe it was paragraph 26(a). 9
- 10 A. Okay. Yes.
- 11 Q. Okay. And the average in-favor
- 12 department budget council vote of those denied
- professors was 67 percent? 13
- 14 A. Yes. Correct.
- 15 Q. Okay. So I want to make sure I
- 16 understand what that number means. Are you saying
- that the average department vote of the budget
- council was that two thirds of the votes on average 18
- 19 were in favor of promotion?
- 20 A. Yes.
- Q. And that's specifically for the 21
- 22 population that did not get tenure?
- 23 A. Yes. That's correct.
- 24 Q. Okay. So even for the people who didn't
- 25 ultimately get tenure, on average you know, two

- 1 regression model on the relationship between voting
  - 2 outcomes and promotion outcomes, correct?
  - A. That's correct.
  - 4 Q. What program did you use to run the
  - 5 regression analysis?
  - A. It's called Stata.
  - 7 Q. Okay.
  - 8 A. It's common for economists.
  - 9 Q. I used Stata for my undergraduate senior
  - 10 thesis.
  - 11 A. All right.
  - 12 Q. So I have some old, old personal
  - 13 experience, a little outdated now. What type of
  - regression did you use? Like linear or what?
  - 15 A. So it's called a logistic regression. It
  - 16 takes a dependent variable, in this case the yes-no
- of promotion, and predicts that value based on kind
- of some independent variables. In this case,
- 19 voting percentage.
- 20 Q. Now your report summarizes a few key
- takeaways from the model, but you didn't actually
- include the regression analysis results themselves.
- 23 Was there a reason for that?
- 24 A. There wasn't a reason for that. I -- I --
- there wasn't a reason. I probably could have put a

35

- 1 thirds of their budget council supported their
- 3 A. Yes. I would want to kind of -- my model
- 4 assumes that it's important that support has
- degrees. And so support, you know, I suppose could
- be said is 51 percent. My model assumes that 97
- percent is different from 51 percent. It's not a
- 8 binary variable.
- Q. And did you review any information about
- -- that would tell you how the president of the 10
- 11 university, you know, used these votes in terms of,
- you know, whether he or she thinks that -- I guess
- 13 cares about whether a majority -- supported it or
- 14 not versus, you know, 100 percent?
- 15 A. I did not review anything like that.
- 16 Q. Okay. So part of this sort of assumption
- 17 of your analysis is that what we really care about
- here is the full gradient of votes, you know, 100
- percent to 0, and not sort of a well does the 19
- 20 majority support them or not?
- 21 A. Right. It would be that the dean and the
- president -- the decision makers view a difference
- 23 between 95 percent and 55 percent, for example.
- 24 Q. I want to ask you a little bit about your
- regression model. So first of all, you ran a

1 table of the regression output.

- Q. Do you have that table?
- A. I would have it in my kind of log files
- 4 from the analysis.
- 5 Q. Okay.
- 6 A. So yes.
- 7 Q. Does it include some like fit statistics?
- 9 Q. Okay. And like analysis of variance?
- 10 A. Yeah.
- 11 Q. Okay. And you would agree with me that
- 12 those are the types of tests that are typically
- used by statisticians to determine the
- trustworthiness of their regression models? 14
- 15 A. Yes. But with some qualification. I
- 16 assume you're talking about like an r-square or --
- 17 Q. Yeah.
- 18 A. -- something where we're saying okay how
- 19 much of the variation are we explaining in our
- 20 dependent variable if by using our independent
- 21 variables. And you know, ideally you can explain a
- 22 fair amount of the variation in your dependent
- 23 variable, but there's kind of wide ranging
- 24 disagreement on how important an r-squared is in a
- 25 model.

37

1 Q. Sure.

- 2 A. The assumption is that there are a lot of
- 3 unobservable things that occur in the world. We
- 4 can't throw the kitchen sink into our models all of
- 5 the time or really any of the time. And so, you
- 6 know, having a high goodness of fit measure, higher
- 7 is better than lower, but how important is high
- 8 versus low is a subject of debate.
- 9 Q. Sure. But you would agree that those are
- 10 the types of metrics that a statistician would want
- 11 to look at to determine, you know, how, you know,
- 12 how trustworthy this analysis is, is that a fair
- 13 statement?
- 14 A. Yes. It's one of a handful of metrics
- 15 they would look at for sure.
- 16 Q. Right. And your report doesn't include
- 17 any of those metrics?
- 18 A. It does not.
- 19 Q. Okay. And so just looking at the report,
- 20 you know, we can't really judge how strong your
- 21 regression model was -- or maybe strong is the
- 22 wrong word -- how trustworthy your regression model
- 23 was.

1

- 24 MR. NOTZON: Objection, form.
- 25 BY MR. DOWER:

1 done.

3

7

8

38

- 2 A. Okay.
  - Q. All right.
- 4 MR. NOTZON: And professor Thompson, just
- 5 turn off your camera and your microphone, but don't
- 6 leave the meeting.
- THE WITNESS: Okay.
  - THE REPORTER: We're going off the Record
- 9 at 9:56 a.m.
- 10 (Recess taken from 9:56 a.m. to 10:09 a.m.)
- 11 THE REPORTER: We're back on the Record,
- 12 the time is 10:09 a.m.
- 13 BY MR. DOWER:
- 14 Q. Dr. Thompson, I thank you for your time
- 15 and I have no further questions.
- 16 A. Okay. Thank you.
- 17 MR. NOTZON: All right. Let me just ask
- 18 a couple questions.
- 19 CROSS-EXAMINATION
- 20 BY MR. NOTZON:
- 21 Q. Earlier you were asked if you had
- 22 considered or taken into account the president's
- 23 decision on tenure in your model. Could you -- did
- 24 you in fact take consideration of the president's
- 25 perspective given that the president decides
- 39
- A. I think that's fair. I think there's
- 2 some statistics that I could have put in here to
- 3 allow the reader to make a more informed judgement
- 4 on the model. I think that's true.
- 5 Q. Okay. And so just knowing the predicted
- 6 probability of promotion for Dr. Nikolova standing
- 7 alone is not really sufficient to judge how
- 8 trustworthy the regression model is?9 MR. NOTZON: Objection, form.
- 10 BY MR. DOWER:
- 11 A. Yes. I would say that's true. And I
- 12 would also say I can provide these at request.
- 13 Q. So taking a step back and sort of big
- 14 picture for this section, so your opinion is
- 15 basically that it's unlikely that she wouldn't get
- 16 tenure based on the department level and college
- 17 level votes?
- 18 A. Yes.
- 19 Q. Okay. And you're not offering an opinion
- 20 about it is that she didn't get tenure, correct?
- 21 A. That's right. That's right. It's based
- 22 purely on the votes. My opinion in that matter
- 23 rests in the predictive capacity of the voting
- 24 percentages.
- 25 Q. Give me a five-minute break and we may be

- 1 whether or not the candidate gets tenure?
  - A. Yeah. So the president's decision is
  - 3 explicitly in the model, because the tenure
  - 4 decision is made ultimately by the president. And
  - 5 so that kind of one zero variable accounts for the
  - 6 president's decision in the regression model.
  - 7 Q. And there was questions of you as to
  - 8 whether or not you included the kind of underlying
  - 9 stats on the stats, as it were, the r-squared
  - 10 numbers and those other measures. Did you do it to
  - 11 try to hide that information from any readers of
  - 12 your report?
  - 13 A. No. Some of it's overkill for a non-
  - 14 technical reader, but I can provide all of those
  - 15 measures from the model.
  - 16 Q. Okay. And it's your intent to provide
  - 17 those?
  - 18 A. Yeah.
  - 19 Q. Okay. And there's a question about
  - 20 whether or not the model is sufficiently -- your
  - 21 opinion is sufficiently supported by your
  - 22 statistical analysis and the model you use. Is
  - 23 that -- what's your opinion on that?
  - 24 A. Yeah. The model that I used is in line
  - 25 with conventional regression modeling. In other

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		I		
,	42	1	deadline being whatever my email said what did I	44
	words, you're trying to predict an outcome using	2		
1	predictors of that outcome, and so I've got voting records of the assistant professors from the budget	3	say?  MR. NOTZON: Do we need to still be on	
	council, from the advisory council, the model rests	4	the record?	
5	on those voting records. It's sufficient to	5	MR. DOWER: Oh. We can go off the	
_	predict the probability of promotion and I need to	6	record. Sorry.	
6		7	THE REPORTER: Mr. Notzon, did you need a	
7	provide the kind of output from that model so a reader can look at those kind of statistics			
8		8	copy of the deposition beyond the read and sign?  MR. NOTZON: Yes.	
9	underlying the statistics like goodness of fit.	_		
10	But yes, the model the model meets convention	10	THE REPORTER: Okay. Perfect. And then	
11	for statisticians and econometricians.	11	we'll send the transcript directly to Dr. Thompson	
12	Q. Okay. And lastly, you were asked if your		<u> </u>	
l	model could I think you testified that you could	13	MR. NOTZON: Sure.	
14	not confirm that gender or pregnancy was the cause	14	THE REPORTER: Okay. Understood.	
1	of her not getting Dr. Nikolova not getting	15	MR. NOTZON: And we don't need the video,	
	tenure. But it's also the case that you couldn't	16	we don't need that added expense.	
	rule it out, either, is that right?	17	THE REPORTER: Understood. Okay. We're	
18	A. That's correct.	18	going to go ahead and go off the record. This is	
19	Q. Okay.	19	the conclusion of the deposition, the time is 10:15	
20	A. So the statistical task that I'm doing	20	a.m.	
21	identifies statistical anomalies, so kind of	21	(Whereupon the deposition was concluded.)	
22	unlikely events. The causation or how these things	22		
	came to be is more on a jury to decide than me.	23		
24	MR. NOTZON: All right. I'll pass the	24		
25	witness.	25		
	43			45
1 1			CHANGES AND CICNATURE	.0
	MR. DOWER: I think I still have no	1	CHANGES AND SIGNATURE	.0
2	further questions. So Mr or doctor excuse	2	PAGE/LINE CHANGE REASON	.0
2 3	further questions. So Mr or doctor excuse me Dr. Thompson, thank you again for your time.			-
2 3 4	further questions. So Mr or doctor excuse me Dr. Thompson, thank you again for your time.  THE WITNESS: Great. Thank you.	2	PAGE/LINE CHANGE REASON	-
2 3 4 5	further questions. So Mr or doctor excuse me Dr. Thompson, thank you again for your time. THE WITNESS: Great. Thank you. THE REPORTER: Before we go off the	2 3 4	PAGE/LINE CHANGE REASON	-
2 3 4 5 6	further questions. So Mr or doctor excuse me Dr. Thompson, thank you again for your time. THE WITNESS: Great. Thank you. THE REPORTER: Before we go off the record, can I have counsel please state their	2 3 4 5 6 7	PAGE/LINE CHANGE REASON	-
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2 3 4 5 6 7 8 9	further questions. So Mr or doctor excuse me Dr. Thompson, thank you again for your time.     THE WITNESS: Great. Thank you.     THE REPORTER: Before we go off the record, can I have counsel please state their orders for the record, if there are any orders?     MR. DOWER: Yeah. I regret to say I have to use some generic thing about like whatever we	2 3 4 5 6 7 8 9	PAGE/LINE CHANGE REASON	-
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2 3 4 5 6 7 8 9 10 11 12 13	further questions. So Mr or doctor excuse me Dr. Thompson, thank you again for your time.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	PAGE/LINE CHANGE REASON	
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	further questions. So Mr or doctor excuse me Dr. Thompson, thank you again for your time.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	PAGE/LINE CHANGE REASON	
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47 1 UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS 2 AUSTIN DIVISION 3 EVDOKIA NIKOLOVA, Plaintiff, 4 CIVIL ACTION NO. 1:19-CV-00877 v. 5 UNIVERSITY OF TEXAS AT AUSTIN \* 6 Defendant, 7 REPORTER'S CERTIFICATE DEPOSITION OF SHANE THOMPSON, Ph.D. 8 TAKEN ON JUNE 22, 2021 I, Brian Christopher, Notary Public in and for 9 the State of Texas, hereby certify to the following: 10 That the witness, SHANE THOMPSON, Ph.D., was duly sworn by the officer and that the transcript of the 11 oral deposition is a true record of the testimony given by the witness; 12 13 That the original deposition was delivered to Benjamin Dower. 14 That a copy of this certificate was served on 15 all parties and/or the witness shown herein on July 6, 2021 . 16 I further certify that pursuant to FRCP Rule 30(f)(I) that the signature of the deponent was 17 requested by the deponent or a party before the completion of the deposition and that the signature is 18 to be before any notary public and returned within 30 days from date of receipt of the transcript. 19 returned, the attached Changes and Signature Page contains any changes and the reasons therefore: 20 21 (Continued on next page) 22 23 24 25

I further certify that I am neither counsel for, related to, nor employed by any of the parties in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action. Sworn to by me this 6thday of July, 2021. Brian Christopher Notary Public # 12206962 My Commission Expires 01/05/2025 Integrity Legal Support Solutions PO Box 245 Manchaca, Texas 78652 (512) 320-8690 

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

EVDOKIA NIKOLOVA, §

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Plaintiff,

§ CIVIL ACTION NUMBER
v.
§ 1:19-cv-00877-RP

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UNIVERSITY OF TEXAS

AT AUSTIN,

S

Defendant. §

ORAL AND VIDEOTAPED DEPOSITION (VIA ZOOM VIDEOCONFERENCING) PURSUANT TO F.R.C.P. 30(B)(6)

OF

UNIVERSITY OF TEXAS AT AUSTIN
BY AND THROUGH ITS
DESIGNATED ORGANIZATIONAL REPRESENTATIVE
AND AS A FACT WITNESS
SHARON L. WOOD, Ph.D.

THURSDAY, MARCH 18, 2021

- - -

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	2 4
1 ORAL AND VIDEOTAPED DEPOSITION (VIA ZOOM	1 APPEARANCES (Continued)
2 VIDEOCONFERENCING) PURSUANT TO F.R.C.P. 30(B)(6)	2
3 OF UNIVERSITY OF TEXAS AT AUSTIN BY AND THROUGH	ALCO DECENT:
	3 Joseph D (Jody) Hughes Esg (Via Zoom
4 ITS DESIGNATED ORGANIZATIONAL REPRESENTATIVE	videoconferencing)
5 AS A FACT WITNESS OF SHARON L. WOOD, Ph.D.,	4 Laura Alicia Barbour, Esq. (Via Zoom
6 produced as a witness at the instance of the	videoconferencing)
7 Plaintiff, Evdokia Nikolova, and remotely duly	5 Evdokia Nikolova, Ph.D. (Via Zoom
8 sworn, was taken in the above-styled and	videoconferencing)
9 -numbered cause on the 18th day of March, 2021,	6
10 from 9:03 a.m. to 6:48 p.m., before Tommi	7
11 Rutledge Gray, CSR, RPR, and CRR in and for the	8
	9
12 State of Texas, reported remotely by machine	10
13 shorthand, all parties appearing remotely, the	11
14 witness appearing remotely from Austin, Texas,	12
15 pursuant to the 36th Emergency Order Regarding	13
16 the COVID-19 State of Disaster, Paragraphs 3.c	14
17 and 3.d. and Notice of Oral and Video Deposition,	15
18 and in accordance with the Federal Rules of Civil	16
19 Procedure.	17
20 Requirements pursuant to F.R.C.P. 30(B)(5)	18
21 waived by all parties present.	19   20
	20 21
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2 3 FOR THE PLAINTIFF, EVDOKIA NIKOLOVA: Robert Notzon, Esq. (Via Zoom 4 videoconferencing) THE LAW OFFICE OF ROBERT NOTZON 5 1502 West Avenue Austin, Texas 78701 6 512.474.7563 512.852.4788 - Fax 7 email: robert@notzonlaw.com 8 - A N D - 9 Robert W. Schmidt, Esq. (Videographer) (Via Zoom videoconferencing)	1 INDEX 2 WITNESS: SHARON L. WOOD, Ph.D. PAGE  3 APPEARANCES 3 4 5 EXHIBITS INDEX 6 6 INDIVIDUALLY AS A FACT WITNESS 7 EXAMINATION BY MR. NOTZON 11 8
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1 EXHIBITS 2 NUMBER DESCRIPTION PAGE	1 AUSTIN, TEXAS (VIA ZOOM VIDEOCONFERENCING;
3 Exhibit 1 14	2 THURSDAY, MARCH 18, 2021; 9:03 A.M.
Plaintiff's Notice of Oral and Video  4 Deposition of Sharon Wood as Both	3 PROCEEDINGS
Organizational Representative and as	4 THE COURT REPORTER: Good
5 Fact Witness (Three pages)	5 morning. My name is Tommi Rutledge
6 Exhibit 2 180 Recommendation for Change in Academic	
7 Rank/Status; Dean's Assessment (Bates	6 Gray, Certified Shorthand Reporter
UT Austin_00021 through UT Austin_ 8 00025)	7 in and for the State of Texas No.
9 Exhibit 3 200	8 1693.
2018-19 Evaluation Template, Cockrell  School of Engineering, Promotion and	9 Today's date is March 18th,
Tenure Committee (Two pages)	10 2021 and the time is what time is
11 Exhibit 4 283	11 it? It is 9:03 a.m. Pursuant to
12 Email to Douglas J. Dempster from	12 the Current Emergency Order
Sharon L. Wood dated 1/27/2019 (Bates	13 Regarding the COVID-19 State of
13 UT Austin_0007965) 14 Exhibit 5 289	14 Disaster, this Oral Deposition of
https://www.hartenergy.com/exclusives/	
15 2020-pinnacle-award-winner-dr-sharon- I-wood-university-texas-186588 (One	15 Sharon Wood is being conducted and
16 page)	16 all parties are appearing remotely
17 Exhibit 6 292 October 29, 2018, Chair's letter in	17 via Zoom videoconferencing.
18 support of the promotion of Prof.	18 The witness is located in
Evdokia Nikolova to the rank of	19 Austin, Texas. I am administering
19 Associate Professor with tenure (Bates UT Austin_00026 through	20 the oath and reporting the
20 UT Austin_00030)	21 deposition remotely via Zoom
21 Exhibit 7 308 Rebuttal to Dean Wood's Assessment	22 videoconferencing by stenographic
22 (Bates UT Austin_00006 through UT	23 means from my residence located in
Austin_00020) 23	·
24	24 Mesquite, Texas.
25	25 Will all counsel please state
- FYHIRITO'O '' N	7
1 EXHIBITS (Continued)	1 their appearances for the record,
2 NUMBER DESCRIPTION PAGE 3 Exhibit 8 321	2 after which, I will swear in the
Recommendation for Change in Academic	3 witness.
4 Rank/Status 09/17/2014; Dean's	4 MR. NOTZON: Robert Notzon
Assessment (Bates UT Austin_0016761	5 and Bob Schmidt for the Plaintiff,
5 through UT Austin_0016764)	6 Dr. Nikolova.
6 Exhibit 9 326	7 MR. DOWER: Benjamin Dower
Recommendation for Change in Academic	8 for the Defendant, University of
<b>-</b>	
7 Rank/Status February 15, 2018; Dean's	•
	9 Texas at Austin.
<ul> <li>Rank/Status February 15, 2018; Dean's</li> <li>Assessment (Bates UT Austin_0016914</li> <li>through UT Austin_0016918)</li> </ul>	9 Texas at Austin. 10 THE COURT REPORTER:
Assessment (Bates UT Austin_0016914	<ul><li>9 Texas at Austin.</li><li>10 THE COURT REPORTER:</li><li>11 Anyone else? Okay. Ms. Wood, could</li></ul>
Assessment (Bates UT Austin_0016914 8 through UT Austin_0016918)	9 Texas at Austin. 10 THE COURT REPORTER:
Assessment (Bates UT Austin_0016914  8 through UT Austin_0016918)  9 Exhibit 10 315  Excel Spreadsheet of salary	<ul><li>9 Texas at Austin.</li><li>10 THE COURT REPORTER:</li><li>11 Anyone else? Okay. Ms. Wood, could</li></ul>
Assessment (Bates UT Austin_0016914  8 through UT Austin_0016918)  9 Exhibit 10 315  Excel Spreadsheet of salary  10 information (Five pages)	<ul> <li>9 Texas at Austin.</li> <li>10 THE COURT REPORTER:</li> <li>11 Anyone else? Okay. Ms. Wood, could</li> <li>12 I get you to raise your right hand,</li> </ul>
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	10			12
1	wanted to read some stipulations?	1	time we take a break or go off the	12
2	MR. DOWER: Yes, please.	2	record, won't read the time and	
3	So these are these are the	3	and the provisions of Rule 30(b), I	
4	things to which the parties have	4	don't recall, what? 5.	
5	stipulated, and, Robert, of course	5	But if we could we have an	
	if for some reason I get it wrong,	6	agreement on that, as well, Mr.	
7	please correct me.	7	Dower.	
8	But the parties stipulate	8	MR. DOWER: Yeah,	
9	that this deposition may be taken	9	that's that's fine with me.	
10	remotely via Zoom. That's fairly	10	Now I'm looking up to see	
11	self-evident.	11	whether you got the Rule right.	
12	The parties stipulate	12	I'm just how good is Bob in	
13	"Objection; form" is sufficient	13	this? He nailed it. It is	
14	to preserve objections to the	14	it is 30(b)(5), I believe.	
15	form of the question and will	15	One of the hazards of	
16	be used in lieu of the more	16	working from home is I don't	
17	specific form-based objections.	17	have my Rule book handy, so I	
18	The parties stipulate that	18	have to look it up online,	
19	all objections except as to the	19	but anyway.	
20	form of question or answer are	20	MR. NOTZON: Okay.	
21	reserved until trial.	21	BY MR. NOTZON:	
22	And then this is not a	22	Q. All right. Good morning, Dean Wood.	
	stipulation, but the deponent	23	A. Good morning.	
	would like an opportunity to	24	Q. Have you ever had your deposition	
	review the transcript and	25	taken before?	
	11	1		40
				13
1	recording pursuant to Federal	1	A. Once, Sir.	13
2	recording pursuant to Federal Rule of Civil Procedure 30(e),	2	Q. Sorry to hear it.	13
2 3	recording pursuant to Federal Rule of Civil Procedure 30(e), and, Robert, I believe you also	2	Q. Sorry to hear it. A. Yeah.	13
2 3 4	recording pursuant to Federal Rule of Civil Procedure 30(e), and, Robert, I believe you also wanted that the parties stipulate	2 3 4	<ul><li>Q. Sorry to hear it.</li><li>A. Yeah.</li><li>Q. So you understand that you're under</li></ul>	13
2 3 4 5	recording pursuant to Federal Rule of Civil Procedure 30(e), and, Robert, I believe you also wanted that the parties stipulate that that we can waive the	2 3 4 5	<ul><li>Q. Sorry to hear it.</li><li>A. Yeah.</li><li>Q. So you understand that you're under oath?</li></ul>	13
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16 14 1 A. Yes, I do. tell us a little bit about yourself. 2 Q. Okay. And I'm going to go ahead and 2 We do have this video recorded, but 3 put into the Chat a -- an exhibit. And that's there's going to be some people that will be how we'll deal with exhibits throughout the day. reading the transcript. 5 5 And it should be showing up. This Are you a man or a woman? 6 will be Exhibit 1. 6 I'm a woman. 7 (Exhibit 1 marked for identification.) 7 Q. Okay. And about how old are you? 8 A. I am 60 years old. 8 A. Oh, I have to save it before I can 9 Q. Okay. And where did you do your open it; is that correct? 9 10 Q. I don't know. 10 undergraduate work? 11 A. That's what it looks like. 11 A. I attended the University of 12 THE COURT REPORTER: Yes, 12 Virginia. 13 you'll need to download it first, 13 Q. Okay. And when did you get your 14 14 degree? yes. 15 THE WITNESS: Okay. 15 A. 1982. Q. In what field? 16 16 MR. NOTZON: Yeah, 17 the download part, that's 17 Civil Engineering. 18 correct. 18 Q. Okay. And did you go straight to 19 MR. DOWER: I don't 19 graduate school? 20 want to micromanage your process, 20 A. Yes, I did. Q. Okay. And well, starting at -- with 21 but you may want to create a 21 22 folder like that's just for 22 the Civil Engineering degree, do you recall the 23 these -- the things that -- that 23 percentage of women in your graduating class? A. About 30 percent. 24 Robert uploads. That way, you've 24 25 all got it in one place. 25 Q. Okay. And when you went to graduate 15 THE WITNESS: Thank you. school, where did you go? 1 I will do that.

2

A. Just give me a second, please. 3

4 BY MR. NOTZON:

5 Q. Yes.

6 A. Okay. I apologize for the length of

time it took me.

Q. No problem. We'll all hopefully get 8

more efficient as we go along.

10 A. That's right.

11 Q. So have you been able to view the

12 document?

13 A. Yes. I have.

14 Q. Okay. Exhibit 1. And the last page

of that exhibit has the two Topics listed. 15

16 Are those the two Topics you're

prepared to testify to as UT today? 17

18 A. Yes, I am.

Q. Okay. And what we're going to do is 19

20 we're going to try to reserve the questions of

21 you as UT on those topics for later in the day.

22 I want to focus the beginning of --

of our day with you as an individual, okay? 23

24 A. Yes.

25

Q. All right. So Dean Wood, could you

A. University of Illinois at Urbana-

3 Champaign.

4 Q. And what degree did you get?

5 A. I received two degrees, a Master's in

6 Civil Engineering and a Ph.D. in Civil

7 Engineering.

8

Q. Did you go straight through?

9

10 Q. And what percentage of women were in

11 that -- those programs?

A. That was quite a bit less. 12

13 Q. Okav.

14 I think in my entire graduate program

I had one class where I wasn't the only woman. 15

16 Q. When you graduated, were you the only

17 woman?

A. I was the second woman at the 18

University of Illinois to receive a Ph.D. in 19

Structural Engineering, so there -- there were

others in Environmental and other disciplines,

but in structural Engineering, which is what I

23 studied, I was the second woman.

24 Q. At all times?

25 A. Yes.

18 20 1 Q. Okay. And when was the first one? 1 probation rank and I was officially promoted at 2 A. She graduated I think in December of 2 the end of my sixth year because it takes one 3 1983, and I graduated in May of 1986. 3 year for the review to occur. 4 Q. Okay. And how did you know that? Q. And that -- you were -- that was your 5 She wasn't there when you were there, right? 5 up-or-out year? 6 A. No, we overlapped. A. That is correct, yes. 7 Q. Okay. So you knew her personally? 7 Q. So that sounds like it was norm 8 A. I knew her -- I know her personally. except for that first semester starting in January. 9 She still is a very good friend of mine. 9 10 10 We had the same Ph.D. advisor, and he A. That's correct, yes. 11 was very proud of the fact that -- that Kathy was 11 Which in and of itself becomes a 12 the first woman to get a Ph.D. in Structural 12 norm? 13 13 Engineering from Illinois. A. That was the norm, correct. 14 Q. So your -- your -- I'm sorry -- the 14 Q. But not counting that first semester 15 term you used for him was --15 towards the -- the clock? 16 16 A. Correct. A. My Ph.D. advisor? 17 Q. -- "advisor." 17 Q. Okay. And how long did you stay as 18 He was a man? an Associate Professor there? 19 19 A. I left in -- at the end of the Fall 20 Q. Okay. And after you getting -- you 20 1995 semester. got your Ph.D., did you work in the industry or 21 21 Q. Where'd you go? 22 did you say in academia? 22 A. I came here to the University of 23 A. I stayed in academia. 23 Texas as an Associate Professor, and started in 24 Q. And where did you go from there? 24 January of 1996. 25 A. I started -- I stayed at the 25 Q. Okay. And why did you move? 19 21 1 University of Illinois. My appointment as an A. There were wonderful professional 2 Assistant Professor started in January of 1986, 2 opportunities for me at Texas. 3 so it was actually before I officially received Q. Before we go on to Texas, I forgot to my -- my Ph.D. 4 ask, how many other female Professors, 5 I defended and deposited before I Assistants, Associates, full Professors in 6 started my position, but my graduation date was Engineering were there? 7 later. 7 Well, let's start with Civil 8 Q. Okay. So kind of technically early? Engineering. I'm assuming you were teaching in A. The -- the requirements required me Civil Engineering? to deposit my Ph.D. before I could start my 10 A. I was teaching in Civil Engineering. 10 11 appointment as an Assistant Professor. At the time I started, I was the fifth woman in 12 Q. Yeah. So -- and how many years did 12 the entire College of engineering. 13 you teach as an Assistant Professor there? 13 There were two in Computer Science, 14 there was one in Industrial Engineering, and I do 14 A. I was -- I don't know this off the top of my head. I was promoted after six and a not remember where the other one was, and -- and 15 16 half years to Associate Professor. 16 me. 17 Q. There in Illinois? 17 By the time I finished, there were 18 A. Yes. 18 other woman on the faculty in Civil Engineering, 19 Q. Okay. And was that the norm, six and and I was not the first woman on the faculty in 20 a half years? 20 Civil Engineering, there had been others. 21 A. Because I began in January, my first 21 As a matter of fact, the woman who Spring semester did not count for my probationary 22 was in Industrial Engineering had started in period as an Assistant Professor, so then I was 23 Civil Engineering, but her husband became the reviewed after my fifth year in -- as an 24 Department head in Civil Engineering, and because Assistant Professor my -- my fifth year in 25 of nepotism rules, she moved to another

1

2

1 department.

- 2 Q. Okay. And the other women, what
- 3 levels were they at? Assistant? Associate?
- 4 Full?
- 5 A. As I remember, the other four women
- 6 when I started were all full Professors.
- 7 Q. Okay. So they had been there a
- 8 while?
- 9 A. That's correct.
- 10 Q. You were the first female Professor
- 11 that had been promo -- or hired as an Assistant
- 12 Professor in some years?
- 13 A. No. While I was a student there,
- 14 there was a female Assistant Professor in the
- 15 Civil Engineering Department.
- 16 Q. But she didn't stay?
- 17 A. She did not. And I -- I do not
- 18 remember her name nor do I remember why she left.
- 19 I was a student, so I wasn't paying attention.
- 20 Q. Right. Okay. And so then when you
- 21 came to UT, did you seek out -- were you looking
- 22 to -- to move?
- 23 A. I -- I was. I had spent a year of
- 24 sabbatical at the University of Washington during
- 25 the 1983/'84 academic year.

- A. That is correct.
- Q. Okay. And would it be accurate that
- 3 you didn't leave Illinois because of a problem?
  - A. So I do experimental work, and the
- 5 number of faculty members who were doing
- 6 experimental work decreased. My Ph.D. advisor
- 7 left.

8

- A -- there were just some reasons
- 9 like fewer people were doing it, so the costs
- 10 were going up. So one of the big advantages of
- 11 coming to the University of Texas was they had a
- 12 very large structural engineering laboratory, a
- 13 lot of faculty doing work, meaning that it's
- 14 easier to share the costs of the -- the
- 15 machinists and that sort of thing.
- 16 And at the time, the Texas Department
- 17 of Transportation was providing a lot of research
- 18 funding, so this was a very attractive place to
- 19 come to really expand my research opportunities.
  - Q. And not work too hard to -- to try to
- 21 go find those dollars?
  - A. I wouldn't say that, Sir, no.
- 23 Q. You -- you wouldn't say it required
- 24 less work to get research money sufficient for
- 25 your research program in Texas than it was in
- 1 At that time, I was offered a job as
- 2 an Associate Professor at Washington, which I
- 3 declined, and then I did interview at several
- 4 places before I chose the University of Texas at
- 5 Austin.
- 6 Q. Okay. And that was Washington and
- 7 Seattle?
- 8 A. That's correct, yes.
- 9 Q. I always get confused because of the
- 10 St. Louis one.
- 11 A. Exactly; right.
- 12 Q. Okay. And so you -- you looked
- 13 around and -- and applied?
- 14 A. I -- I did apply. I believe I was
- 15 encouraged to apply. I interviewed at Michigan
- 16 and Texas, and then later in the process Cornell
- 17 contacted me to see if I was interested in
- 18 applying there.
- 19 Q. Okay. And did you get multiple
- 20 offers?
- 21 A. I -- I didn't -- I don't remember if
- 22 I got a written offer from Michigan. I know they
- 23 contacted me and extended an oral offer. I
- 24 certainly got the offer from Texas.
- 25 Q. Okay. To arrive as an Associate?

1 Illinois?

6

15

23

20

22

- A. So I was able to grow my research
- 3 program because I continued to have federal
- 4 funding, and at the same time I could have -- I
- 5 could have State funding.
  - Q. Right.
- 7 A. But still writing proposals for
- 3 federal funding.
- 9 Q. But wasn't it easier in Texas because
- 10 you had the State funding access and you had less
- 11 money that you needed to fund your research
- 12 because you were sharing costs?
- 13 MR. DOWER: Objection;
- 14 form. Go ahead.
  - And Dean, there may be times
- 16 where I object. Go ahead and answer
- 17 unless I instruct you otherwise.
- 18 A. I -- I think the opportunities for
- 19 collaboration were the primary reasons that I
- 20 chose to come. And, to be honest, it never
- 21 occurred to me that it was easier or harder to
- 22 find research funding.
- 23 It was -- I had opportunities to
- 24 collaborate with faculty members that I did not
- 5 have at the University of Illinois.

25

27

1 BY MR. NOTZON:

- 2 Q. Okay. Well, you referenced the costs
- 3 when I asked you earlier. That's why -- I -- I
- 4 didn't bring it up, you did, so that's why I was
- 5 asking --
- 6 A. You're right, I -- I did. And so in
- 7 that respect, having a large group of faculty
- 8 members who were sharing the costs of machinists
- 9 did help reduce the costs on any given research
- 10 project, that's correct, yes.
- 11 Q. Because looking for and obtaining
- 12 funding is a time savings for Professors?
- 13 A. It is also an expectation for
- 14 Professors, yes.
- 15 Q. When you're doing that, you're not
- 16 doing other things you could be doing as a
- 17 Professor?
- 18 A. Yes. As a Professor you are juggling
- 19 multiple balls and you're always trying to
- 20 determine what -- where you should spend your
- 21 time, correct.
- 22 Q. Would that be your least favorite
- 23 activity as a Professor, looking for funding?
- 24 A. No.
- 25 Q. What's your least favorite?

- 1 A. That's correct, yes.
- 2 Q. Okay. And you took over from Dr.
- 3 Fenves?

4

- A. Yes. Dr. Fenves was -- he became our
- 5 Provost and Executive Vice President, and so I
- 6 took over -- I became the Interim Dean.
- 7 Q. Were you recruited or did you apply
- 8 for that job?
- 9 A. So the Interim Dean is really a
- 10 temp -- it's a temporary appointment. I had had
- 11 a conversation with Greg Fenves in his office. I
- 12 told him that if he -- he told me he would like
- 13 to have someone serve as Interim Dean who had
- 14 experience as Department Chair, and I told him
- 15 that if -- if asked, I would be willing to serve
- 16 as the Interim Dean.
- 17 Q. Okay. And is this just before he got
- 18 named as Provost or after?
- 19 A. He would only have spoken to me about
- 20 it after he had been named Provost.
- 21 Q. Okay. So how much time passed where
- 22 there was no Dean of the school?
- 23 A. No time passed because he -- he was
- 24 named Provost, but it became effective about --
- 25 about a month or two later.

A. I think the administrative oversight,

- 2 document -- documenting how you spent the money.
- 3 I've had some projects where there were quarterly
- 4 reports required, and so I think that's my least
- 5 favorite part.
- 6 Q. How old were you when you arrived at
- 7 the University of Texas?
  - A. I was 35 when I started there.
- 9 Q. Okay. And when did you get into
- 10 administration?
- 11 A. I--

8

- 12 MR. DOWER: Objection;
- 13 form.
- 14 A. I became a Department Chair in 2008.
- 15 BY MR. NOTZON:
- 16 Q. Okay. And which Department?
- 17 A. Department of Civil, Architectural,
- 18 and Environmental Engineering.
- 19 Q. Okay. And how long were you a Chair
- 20 there?

22

- 21 A. I served as Chair for five years.
  - Q. Okay. And then what did you do?
- 23 A. I became the Interim Dean of the
- 24 Cockrell School of Engineering.
- 25 Q. Okay. And that was in 2013/2014?

- 1 Q. So it was in that -- in that
  - 2 effective/not effective period?
  - 3 A. Correct. So he -- he wanted to be
  - 4 Dean through a Board of Regents meeting in the
  - 5 fall, so I don't remember the exact date when my
  - 6 appointment as Interim Dean was -- was effective.
  - 7 I think it was in October of 2013.
  - 8 And so he had been named sometime in
  - 9 the summer, and I remember having an initial
  - 10 conversation with him in August, and then the
  - 11 Provost at the time, Steve Leslie, interviewed
  - 12 me, spoke with me before he appointed me as the
  - 13 Interim Dean.
  - 14 Q. Oh, so actually the Provost before
  - 15 Mendez appointed you as Interim Dean?
  - 16 A. Yes. That is how I remember it
  - 17 because it -- the -- there -- there was a time
  - 18 where I was named as the Interim Dean but I was
  - 19 not yet appointed as the Interim Dean.
  - 20 Q. The dominoes flow up, not down?
  - 21 A. Yes.
  - 22 Q. And he -- and Fenves had to be
  - 23 replaced first before he gets -- is that -- is
  - 24 that how that works? Like he couldn't leave the
  - 25 Interim Dean position empty for any period of

29

1 time?

2 A. We do not have vacancies like that,

3 correct.

4 Q. Okay. Do you know if you were the

5 first choice of Dr. Fenves?

A. You would have to ask Dr. Fenves

7 that.

8 Q. You don't know?

9 A. He -- he called me and asked me to do

10 it. That is all I know.

11 Q. Okay. And so that brings us to

12 today. You're still -- well, actually you were

13 Interim Dean for what, one year and then

14 Permanent Dean?

15 A. I was appointed the Permanent Dean on

16 September 1st of 20 -- 2014, and the University

17 had an open search for the position, so I did

18 apply for that.

19 There was a Consultative Committee

20 that did a -- hired a headhunter, had a complete

21 pool of candidates. I believe -- I -- there were

22 at least three but perhaps five, I don't remember

23 the exact number of people who actually

24 interviewed for the position, and then I had --

25 the -- the Provost, Greg Fenves, and the

1 A. No.

2 Q. Have you had any children?

3 A. No

Q. Have you had any non-married domestic

5 partners?

6 A. No

7 Q. Do you have anyone that lives with

8 you?

4

11

9 A. A human, you mean?

10 Q. Good point.

Yes, I am asking -- let's start with

12 humans, yes.

13 A. I am the only human living in my

14 house.

15 Q. Okay. And that's been the case since

16 you've been a Professor?

17 A. Yes.

18 Q. Okay. And just to go ahead and

19 finish that thought, you have pets?

A. I do. I have three cats who live

21 with me.

20

22 Q. All right. And just since you told

23 us your age, I'll -- I'll disclose, I'm 58.

24 Are you in charge of caring for any

25 parents?

1 President, Bill Powers, made the decision

2 regarding who the Dean would be, and they asked

3 me to serve. They -- they offered the job to me.

4 Q. Do you know who your competitors

5 were?

6 A. I do, yes.

7 Q. And were they all external to UT?

8 A. Yes. I -- I'm remembering the names

9 of three of them, and those three were external,

10 yes.

11 Q. Okay. And whether you remember the

12 names of the other two or not, do you remember --

13 A. I -- I was one, so that would be

14 four, and I can't remember if there were four or

15 five.

16 Q. Okay. So you and three or you and

17 four?

18 A. Correct.

19 Q. Okay. And you're remembering three

20 as you sit here today?

21 A. Yes.

22 Q. And were those three that you

23 remember male or female?

24 A. There was one female and two men.

25 Q. Okay. And have you been married?

1 A. No.

6

8

31

2 Q. Okay. Do you still have your

3 parents?

4 A. Yes.

5 Q. Okay. Congratulations.

A. Thank you.

7 Q. Me, too.

All right. So in your experience

9 being -- in Engineering as a student, as a

10 graduate student, as a faculty member, as an

11 administrator, do you understand that there is a

12 dearth of women/females in the Engineering field?

13 MR. DOWER: Objection;

14 form.

15 A. I believe I have firsthand knowledge

16 of that, yes.

17 BY MR. NOTZON:

18 Q. Okay. Do you also understand that

19 there is a field of research about that topic?

20 A. Yes.

21 Q. And are those research results and

2 the data that they discuss, are those presented

23 in -- in national and international papers on

24 engineering?

25

A. They are not presented in the

34 36 1 conferences that I attend as a structural Q. You don't know that from studies that 2 engineering. 2 you've read or -- or understand exist? 3 Q. So none of the conferences you've A. I do not recall reading that 4 been to have had a diversity seminar or presenter 4 directly. on anything related to gender issues? Q. Okay. You would not be surprised to 5 5 A. Well, let me limit myself to know that there are studies out there that 7 structural engineering first. 7 discuss this? 8 Q. Okay. 8 MR. DOWER: Objection; 9 A. The American Concrete Institute which 9 is, where I have spent a lot of my professional 10 10 A. I would not be surprised. 11 time, does have a "Women in Engineering" event. 11 BY MR. NOTZON: 12 I mean, I've been going since 1985. 12 Q. And going on with this line of I do not remember when it started. I have 13 13 questioning, do you understand that there are 14 attended maybe a handful of times. It is just a 14 also studies and reports on the disparity of the 15 casual get-together. female experience when it comes -- in Engineering 16 Q. Okay. when it comes to student teaching scores? 17 A. There are no presentations 17 MR. DOWER: Objection; specifically about -- about the women's role in 18 18 form. 19 A. So I -- I'd actually like to amend my 19 the industry. 20 Q. It's more of a networking event? 20 answer. You -- you asked a question about how 21 women are treated that could be related to A. That is correct, right. 22 Q. Okay. Do you understand that in 22 their -- their salaries. 23 other Engineering conferences that there are 23 There was a fundamental study that 24 came out of MIT where they looked -- they looked presentations on studies related to diversity issues and the lack of, so to speak? 25 at a wide variety of factors, including the size 35 37 A. Yes. 1 of offices assigned to women, laboratory spaces 1 Q. And do you understand from your 2 assigned to women that included salaries. 3 firsthand experience, as well as your knowledge I -- I know of that report. And then 4 of the data or the reports, that the issues 4 the recent movie "Picture a Scientist" went into 5 related to gender in Engineering are more than great detail about that situation. 6 just the numbers --BY MR. NOTZON: 7 A. Yes. 7 Q. And you're referring to a specific 8 Q. -- of people present? 8 report. 9 Do you have any cite to that or Q. And those issues would be differences information about it that would allow me to find 10 10 11 in the way that women are treated? 11 12 A. Yes. 12 A. I would have to look it up. It came 13 Q. Differences in the way women are 13 out of -- it was -- the women at MIT were 14 specifically engaged in it, --14 hired? 15 A. Yes. 15 Q. Okay. 16 Q. Paid? A. -- and it came out, I would say, 15 A. Excuse me. There are studies that 17 17 to 20 years ago. talk about women's pay, yes. 18 Q. Okay. So a while ago? 18 19 Q. Promotions? 19 A. Yes. 20 A. I believe that to be true. I have 20 Q. Okay. 21 not seen that myself. A. The National Academy of Sciences or 22 22 the National Academy has put out some reports, Q. Funding? 23 A. Again, I haven't seen that myself. 23 also. 24 Q. But you know it exists? 24 Q. Okav. 25 A. I would assume it exists, yes. 25 A. Most recently, there -- there was one

1 about women in STEM which I read. I'm trying to

2 remember when that came out. It's since I've

3 been Dean.

4 But that prompted a lot of discussion

5 within at the time the three Deans at UT who were

over STEM fields, so Linda Hickey would be the

7 College of Natural Sciences, Sharon Mosey would

B be the Jackson School of Geosciences, and I was

9 Dean of Engineering.

10 There was a lot of discussion when

11 that report first came out, and so I don't

12 remember exactly when it was, but we had a lot

13 of -- we had conversations about it.

14 Q. And what were the nature of those

15 conversations?

16 A. I think one of the -- one of the

17 primary issues was about how graduate student

18 funding is so tied to an individual mentor, and

19 so if -- if someone is in a I'll call it a

20 hostile environment as a graduate student, they

21 don't really have a recourse because they're --

22 they're so tied to their Ph.D. advisor.

23 And they were advocating that the

24 National Science Association, for example,

25 instead of funding a faculty member to do

1 Q. Because if any comment gets made that

2 there was a complaint, everybody knows where --

3 who's being complained about and if you're

4 relying on your advisor for your approvals, that

5 would be pretty damaging to come forward.

MR. DOWER: Objection;

7 form.

6

8

13

A. I believe that's -- that's why some

9 people will only report after they've graduated.

10 We wanted to try to address things as quickly as

11 possible and just find an alternative advisor, if

12 necessary.

What's -- what's very interesting is

14 that in a recent discussion of Deans, some of the

15 private universities are actually polling all of

16 the former students of a -- of a candidate for

17 promotion to get an indication of what the

18 climate is in their Research Group to address

19 these specific issues.

20 For the private universities, they

21 don't have the same -- they don't have the

22 obligation to make the information public, so

23 then it could be held confidentially and the

24 advisor would not know, so they are moving

25 forward with that sort of survey to address

39

1 research, they should fund the grad student

2 separately, so that the graduate students would

3 have the ability to -- to shift if they -- to a

4 better environment if it was not conducive to --

5 for them.

6 That would be a huge change, and so

7 we had a lot of conversation about that. I think

in -- what we have done in the Cockrell School, I

9 won't say in response to that but over the past

10 few years, is we have set up a committee for

11 graduate students and also post-Doctoral Fellows,

12 so they're in a situation where they don't --

13 they're -- it is -- they're not in a good

14 situation, but they don't feel that they can talk

15 directly to their supervisor.

We have set up a committee of faculty

17 members so they can pick someone outside of their

18 Department to go and discuss the situation and

19 also have -- have someone who can be an advocate

20 for them and try to address the situation

21 before -- while it can still be addressed and

22 while they are still on track to complete a

23 degree.

24 Q. That sounds pretty sticky.

25 A. I believe it is, yes.

1 climate issues.

With us, the situation you described

3 is exactly the case, where if a former -- even a

4 former student were to make a complaint, the

5 advisor would know immediately and there's a very

6 high risk of retaliation. So we have not

7 attempted to implement that.

8 BY MR. NOTZON:

9 Q. So what -- what you're saying is the

10 private school they've added an extra component

11 from teaching, research, and service to this

12 extra component that they have to pass?

13 A. Right. So mentoring -- the mentoring

14 right now is included in our teaching component

15 and they are treating it separately, and at a

16 meeting --

17

Q. But you could see it as a subset of

18 mentoring?

19 A. We get -- mentoring is considered in

20 our process. It's a subset, yes.

21 Q. Okay. We got off on this tangent and

2 I was asking the question about your

23 understanding of discrimination of the female

24 experience in Engineering, or STEM, as -- as you

25 stated, in student teaching scores depending on

Appx.0683

42 44 1 the faculty member's gender. 1 regarded as having an influence. I have not done 2 A. There have been some reports to 2 a detailed study on my own to influence it, --3 3 BY MR. NOTZON: indicate that, yes. 4 Q. Okay. Have you also seen reports Q. Thanks for that --5 5 that pregnancy also plays a role? A. -- to study those impacts. A. I have not seen that directly, Q. Thank you for that clarification. 7 however, I have also heard that time of day 7 As an administrator -- as the influences the teaching evaluations, time of the 8 administrator over the School of Engineering at 9 classes offered. UT, do you see it as a duty that you have to 10 Q. Early morning would be worse? understand the issues that might be affecting all 11 A. That is correct. of your employees? 12 Q. Really? Okay. 12 MR. DOWER: Objection; But you're not saying that the early 13 13 form. 14 morning is on par with gender? 14 A. I do believe that I -- I need to 15 A. I have not studied that directly, so 15 understand issues that are facing our junior 16 faculty. I think that's especially true right 16 I cannot comment on the -- I'm only reporting. 17 I've heard of some studies. 17 now with the -- the stress of COVID, the 18 Q. There's also -- you could also add 18 isolation that we're all facing, so, to be the other factors are Math, specific courses are 19 honest, I'm just completing a -- a series of 19 more criticized than others; is that right? 20 meetings with the junior faculty groups of four 20 21 or five to make sure that I can hear directly 21 A. Not necessarily. 22 Q. Required courses more than elective 22 from them. 23 courses? 23 BY MR. NOTZON: Q. And you focused on -- I -- I -- I 24 A. In most cases, required courses 24 25 are -- have -- will be lower, but that is not said "employees" generally and you focused on 43 45 necessarily the case. 1 "junior faculty." And when I -- when I hear 2 Q. Large-attendance classes versus 2 "junior faculty" I hear you say Assistant 3 Professors in your draft; is that right? 3 small? 4 A. There has been that discussed. I A. I meant Assistant and Associate 5 Professors. 5 think. That is not always the case. 6 Q. Yeah, but you understand that -- in 6 Q. Okay. 7 fact, you don't actually have to rely on studies, 7 A. I -- I was giving you a specific 8 example of what I -- I'm doing right now. I -you know that from your own experience at UT, that all of those factors play a role in when I hear about staff complaints, I -- I obviously investigate those. 10 affecting student teaching scores of faculty? 10 11 A. Yes, I understand there are many 11 I -- I have tried to be more -- have 12 factors. 12 more meetings with staff than my predecessor, but 13 Q. Okav. And all the ones I've listed the -- the staff is so large that there's no way are factors that you personally know to exist in 14 I can get to know everyone on staff in school. 14 affecting teaching stores at UT, correct? 15 Q. And when you say "staff in school," 15 16 MR. DOWER: Objection; 16 you're talking about in the Dean's Office as well 17 17 as in the Departments below? form. 18 A. Yes. Well, I -- I do not know --18 A. And in the organized research units, 19 yes. 19 I -- I do not have direct knowledge of pregnancy because I don't always know when a faculty member 20 Q. Okay. How many thousands is that? 21 is pregnant and when they're -- what -- what 21 A. I'm sorry, I don't know the number. 22 semester they're teaching, so I cannot stipulate Q. Okay. Is it in the thousands or just to that. 23 23 the hundreds? 24 I can tell you that the other factors A. I would estimate it's in the 25 hundreds. you've mentioned are -- are I would say generally

46 1 Q. So I understand from your series of discrimination or retaliation or, you know, harm, 2 answers that the answer to my first question even, assaults, you know, any -- any -- any kind would have been "yes," that you do see that you of illegal conduct. have a duty to understand the issues that are 4 You -- you understand you as the impacting your employees --5 administrator -- the chief administrator over the 5 6 MR. DOWER: Objection; School of Engineering are responsible for your 7 employees to make sure that those kinds of things form BY MR. NOTZON: aren't happening, if possible? 8 9 9 MR. DOWER: Objection; Q. -- as best as you can? 10 10 A. I feel the role -- as role of the A. So the employees would need to report 11 Dean, I need to understand if there are -- there 11 12 are things that are impacting negatively on our 12 these type of activities to the appropriate faculty and staff. offices in UT Austin, so if there is a complaint 13 13 14 Q. You have a duty of responsibility to 14 of illegal behavior or discrimination, there 15 protect your employees to the extent that you 15 would be an investigation. can? 16 16 I am not a qualified investigator, 17 MR. DOWER: Objection; 17 and so I -- I might participate, I might provide 18 some context to the investigation. Usually it's form A. I believe that I need to know if done without my knowledge. 19 19 20 there are things that need to be add -- where 20 So there is a complaint, there's an investigation, and then I am usually engaged --21 changes need to be made, so I'll give you a specific example. if -- if there is a finding, I'm engaged in -- in 22 23 We were hiring Assistant Professors 23 kind of the corrective action portion of that. and the laboratory renovations for them were 24 24 But I am not familiar with all the -taking way too long, so they did not have a every -- every law. That is beyond my

> 47 49

1 laboratory to work in, they had to use someone

else's, so we made a priority of making sure that

laboratory renovations for our newest hires are

given the highest priority within the school. 4

5 So that was a change that was

implemented after listening to faculty and

understanding complaints.

BY MR. NOTZON: 8

9 Q. Okay.

10 A. I -- that's just the one that comes

11 to the top of my mind.

I think the -- the issue is there are 12

some -- I also have to follow University rules 13

and regulations, and so just last week someone 14

wanted me to reduce the teaching loads for all 15

the faculty, and I do not have the ability to do

that, so I -- I cannot snap my fingers nor -- and 17

make things happen, nor do I have an infinite 18

19 source of funding.

20 Q. Let me change my question a little

21 bit. You answered it fairly broadly, and I

22 appreciate that example of their interests -- you

know, addressing interests of employees. 23

24 I'm talking more in lines of

protecting employees from illegal activities like

1 capability. That's why we have different groups

within the University who will investigate on

specific topics.

BY MR. NOTZON:

5 Q. And I -- that -- that sounds like a

6 reactive/passive approach, that if reported you

7 take action.

8 MR. DOWER: Objection;

9 form.

10 BY MR. NOTZON:

11 Q. Would that be accurate?

MR. DOWER: Same 12

13 objection.

17

A. So we have conversations with 14

15 Department Chairs about normal activities where

16 illegal action could occur.

So I'll give you an example of a

faculty interview: In the past, women would be

denied job opportunities because they were asked 19

20 about their mari -- marital status.

21 So we have a list of questions that

have been vetted by UT Legal, right, that say,

what -- "What can you ask during an interview

and what questions should you absolutely not ask

during an interview" so we do not violate federal

50 52 1 law. A. That is correct. All those are part 2 So that's -- that's something of the mandatory training --3 where -- this is information we are proactive in 3 Q. Okay. distributing to make sure that we are protecting 4 -- each faculty member has to do. our faculty and also the candidates being 5 Q. Pregnancy would also be in there? 5 interviewed. 7 BY MR. NOTZON: 7 Q. Okay. Is -- is pregnancy also one of Q. Thank you. That's what I was the topics that is not allowed to be talked about 8 in an interview besides marital status? 9 asking -- I was looking for, things that you saw 10 as a duty, and you have taken that duty on and A. That is correct. 11 you ensure that your Departments are --11 Q. Is pregnancy -- marital status, you 12 understand that there are these list of questions 12 don't necessarily -- I guess you could have --13 have a wedding ring, I don't wear all my time and 13 that need to be used, and that they are trained 14 in that so that they implement that positive, 14 I've gotten dispensation from my wife on that, 15 protective approach? 15 just for informational purposes, so -- but it's 16 16 not always immediately apparent whether A. So that is correct. The University also has mandatory training for all faculty and somebody's married, but if somebody walks in and 17 staff that they have to go through every year. they're pregnant and they're showing, it might be 18 19 This is web-based training. This is pretty obvious. 20 20 not -- it's not mandated by me; it's mandated by Is there a restriction on using the University. I do see lists of people when 21 pregnancy as a factor in taking employment action 22 they don't complete their training. against an employee? 23 So there's basic training that 23 A. I'm not sure I understand the everyone has to do. 24 24 question. You said "taking employment action." 25 Q. Okay. 25 Does that mean extending an -- an offer to a --51 53 A. But that is not at -- at the Cockrell 1 to a candidate? Q. Well, that would be -- that would be 2 School level. 3 Q. All right. But you said --"employment action," yeah. 4 A. Oh, absolutely, yes. 4 A. Okay. 5 Q. And earlier you talked about that Q. And that's in the hiring process. meeting you had with the two other Deans, the But in any -- any process, taking any employment 7 female Deans in STEM discussing issues related to action on an employee because of their pregnancy 8 aender issues. or pregnancy status would be improper? 9 Would you see that also as a -- more 9 MR. DOWER: Objection; of a proactive approach to addressing potential 10 10 form. 11 gender problems in your school? 11 A. The modified instructional duties is 12 A. I think it's important to know what 12 a case where a faculty member may request -- may 13 other schools -- what other schools and colleges 13 request not to teach in a given semester due to are doing and make sure we're -- we're being 14 the birth of a child. 14 15 consistent, right. 15 BY MR. NOTZON: 16 Q. And you-guys are discussing the 16 Q. But that's a request, right? information you know about from outside UT and 17 A. And they -- so that's -- they -- they 17 18 also from within UT --18 request and that -- that gives them an ability to 19 A. Correct. 19 do that. 20 Q. -- on -- on gender? 20 Let -- let me give you an example 21 A. Yes. 21 where -- I know as Department Chair we Q. And I imagine you talk about other 22 interviewed -- when I was Department Chair we 22 23 things besides gender, as well? You talk about 23 interviewed one candidate that was pregnant and race, you talk about disability, you talk about 24 we interviewed a second candidate who had just age, all those things? 25 given birth and needed to spend -- have time to

54 1 pump, and it was very awkward because she had not 1 Q. Okay. So all health-related issues? 2 told us she needed some extra time in the 2 A. Yes. 3 schedule. 3 Q. Okay. 4 So after that situation, I made sure 4 A. And I think the requirement is if -if it was for birth or adoption of a child, the 5 5 that all of our -- when we were reaching out to the candidates to set up the schedules, we asked, individual needs to be the primary caregiver. "Is there any reason -- do we need to -- would 7 Q. Okay. On -- it sounds for all of 8 those things? you like breaks at periodic times" so that we 9 A. I believe so. could more easily accommodate something without 10 10 having the identify why they needed to have a MR. NOTZON: All right. 11 break. 11 Yeah, we can take a break now. 12 So these are kind of the policies 12 MR. DOWER: Okay. 13 THE COURT REPORTER: We're 13 that have been implemented to -- to make sure that we're treating everyone fairly. 14 going off the record at 10:01 a.m. 14 15 Q. Okay. And that's, again, not taking 15 (Recess held from 10:01 a.m. to 10:10 a.m.) 16 16 action on an employee because of their status, THE COURT REPORTER: Okay. but you're developing an accommodation which 17 We're going back on the record at would apply to everybody, which would benefit 18 10:10 a.m. a -- a pregnant woman or a recently pregnant 19 MR. NOTZON: And Bob, 19 20 20 woman? you're recording? A. Right. Or it could -- it could MR. SCHMIDT: Yes. Back 21 21 22 benefit someone who has a physical disability and 22 on the record and recording. 23 just the fact -- fact of walking from office to 23 MR. NOTZON: I don't 24 office, they need to rest, right? 24 doubt you. 25 I think we need to be cognizant of 25 MR. SCHMIDT: I appreciate 55 57

1 the fact that not -- there are reasons why 2 someone may not be able to have a complete twoday interview without -- without some periodic 4 breaks. 5 Q. And without the need for disclosure? 6 A. That's correct. 7 MR. DOWER: Robert, 8 speaking of periodic breaks, 9 whenever we're at a good breaking 10 time. We've been going for about 11 an hour. MR. NOTZON: Let me 12 13 just ask one more line of questions

on the modified instructional duty
just to close that out.

BY MR. NOTZON:

Q. Modified instructional duty, is that
only available for child issue, pregnancy,
childcare, or are there -- are there the panoply
disability issues that could be employed
there?

A. So it can be used for birth or adoption of a child, illness within the immediate family, or taking care of someone in their close

25 family, including their parents.

1 the reminder. No thank you yery

1 the reminder. No, thank you very

2 much.

3 BY MR. NOTZON:

4 Q. Okay. All right. Dean Wood, we got

5 off on the modified instructional duty.

6 Do you ever say MID?

7 A. I don't know.

8 Q. Okay. You say it all out the whole

9 time?

10 A. I do.

11 Q. Okay. I will follow.

We got off on talking about modified

13 instructional duty when I was asking the question

14 about the propriety or not of pregnancy being

15 used as a basis for taking employment action.

16 And you responded with that, and --

17 and I'd like to draw the distinction is the

18 modified instructional duty is requested by the

19 employee, correct?

20 A. Yes.

24

21 Q. And so that's a request for an

accommodation, not an employment action by the

23 administration on the employee.

Do you see the distinction there?

25 A. Yeah, I still would like a

58 60 1 clarification about "action." 1 part of a -- every -- every Dean had -- went 2 Q. Yeah. 2 through a very elaborate process last year. 3 A. You're using a term I don't quite 3 BY MR. NOTZON: 4 understand. Q. Okay. And so you're -- you're asked 5 Q. Sure. Any -- anything related to the 5 to be mindful -- you were asked to look -- do employment relationship. So hiring, firing, this analysis. 7 discipline, pay, you know, those kinds of things. 7 Is there a -- a measurement -- a A. Modified instructional duties would 8 metric that is applied to you on an annual basis 9 have no impact on that, correct. to see how you're doing in your mind for them 10 Q. So when I said would -- would you towards diversity? 11 be -- would it be accurate that -- when you said 11 MR. DOWER: Objection; 12 that like as an example not to use marital status 12 form. in request of a -- of an applicant about their 13 A. There is no one specific metric. 14 status, that wouldn't be appropriate, that 14 There are some schools where the number of female pregnancy would also be one of the things not to faculty is much higher than the number of males/ 16 ask about, correct? men, and there are other schools the number of 17 A. Yes. We do not ask. 17 men is much higher than the number of women. 18 Q. And al -- and also, any employment 18 So there are -- at the university action on the employee because of their pregnancy level there are some analyses that looks at pay 19 would also be inappropriate? equity between men and women. There has also 20 been some analyses that look at pay equity 21 A. It would be inappropriate, yes. 22 Q. Okay. Do you have any performance related to race or ethnicity. 23 metrics or expectations based upon diversity --23 Q. Are those analyses commented on in 24 MR. DOWER: Objection; 24 your employment evaluations? 25 25 A. I have discussed those with the form. 59 61 1 BY MR. NOTZON: 1 Provost. I do not remember if they were actually 2 Q. -- for vourself as Dean? 2 during my annual review. 3 MR. DOWER: Objection; But I meet with the Provost monthly, 4 form. Go ahead. 4 and so those would be -- when -- when the --5 A. I'm not sure. Are you asking me if I 5 probably not my annual review, but the -- the 6 have quotas? 6 University would do an analysis and then 7 BY MR. NOTZON: distribute it, and so it would -- when those data 8 Q. A quota would qualify, but I'm not 8 came out, there would be time for us to look at asking about quotas. I'm asking about any it, and then there would be a discussion with the 10 Provost to see whether there were -- there were 10 metrics. 11 MR. DOWER: Objection; 11 some issues with pay -- inequity in pay, for 12 12 example. form. 13 A. The Provost has asked us to be very 13 Q. But that's more of a University-wide thoughtful in ensuring we have as diverse a 14 event that occurs whenever it occurs, not on an 14 faculty as possible with respect that excellence annual basis? 15 16 is expected amongst all our faculty. 16 A. They had been occurring annually. We 17 The Provost last year -- actually 17 had a change in -- we had so much change in last year specifically asked us to look at some leadership this year and a real focus on -- on issues related to disparities in pay, perhaps due 19 COVID and getting through the pandemic that I 19 to gender, perhaps due to race or ethnicity, and have not seen those data. Those data have not 21 so we did a full evaluation of all the faculty in 21 been shared with us this year yet, this academic 22 year. response to that request. 23 23 And so it -- it was something that Q. But they are occurring on an annual the -- the Provost was concerned that there 24 basis or it just happens that they've been every may be some underlying issues, and so that was year because of happenstance?

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13

1 A. I don't know the answer to that.

- 2 It's determined by the Provost's Office.
- 3 Q. Okay. And another follow-up is those
- 4 things are happening University-wide and they're
- 5 not necessarily -- and they -- they are not
- 6 documented on your performance evaluation -- your
- 7 annual performance evaluation, --
- 8 MR. DOWER: Objection;
- 9 form.
- 10 BY MR. NOTZON:
- 11 Q. -- correct?
- 12 A. My annual performance evaluation is
- 13 oral, so there would be no written documentation
- 14 of that.
- 15 Q. Okay. Have you ever had a written
- 16 annual evaluation since you've been Dean?
- 17 A. Not that I remember.
- 18 Q. Okay. Have you ever had an oral
- 19 evaluation while you've been Dean where you've
- 20 been asked to report on the diversity in your
- 21 School?
- 22 A. Yes.
- 23 Q. Okay. Is that annually or is that
- 24 just every once in a while?
- 25 A. Well, I'm on my fourth Provost, so I

- 1 Q. Okay. And the annual report would
  - 2 cover the diversity issues but also other issues,
  - 3 as well? Or is that just a diversity report?
  - A. This addresses some climate issues.
  - 5 It -- it -- we have --
    - Q. By "climate" you mean interpersonal
  - 7 climate or weather climate?
    - A. Interpersonal climate.
  - 9 Q. Okay. I'm sorry. That may be
  - 10 obvious to you, but just in case.
  - 11 A. Right.
  - 12 Q. Okay.
    - A. So I mean, the University has
  - 14 statistics on the diversity of all the faculty,
  - 15 and then we have -- we have started implementing
  - 16 our own report, which not only reports statistics
  - 17 but reports on activities that are being
  - 18 undertaken.
  - 19 Q. So you're now in your is it seventh
  - 20 year?
  - 21 A. In my seventh year as a Permanent
  - 22 Dean. I had one year as Interim.
  - 23 Q. Okay. And how has the diversity
  - 24 changed under your Deanship of, I guess,
  - 25 comparing the diversity reports over the
- hat
- 1 know that when Dr. McInnis was our Provost that
- 2 was part of the information I would prepare for
- 3 her each year.
- 4 But I did not prepare that for the
- 5 previous two, nor have I -- and I have not had --
- 6 or I guess I did have a review with the prior
- 7 Provost. I have -- that was not what was
- 8 requested last year.
- 9 Q. Okay. And who is the Provost now?
- 10 A. We have an Interim Provost. It's Dan
- 11 Jaffe.
- 12 Q. And what have you done in terms of --
- 13 well, have you kept any metrics on yourself in
- 14 terms of gender diversity in the School of
- 15 Engineering?
- 16 A. We do maintain those statistics.
- 17 Q. At your direction?
- 18 A. Yes. There is a -- there's an
- 19 actual -- a report that's posted on the website
- 20 that provides metrics for faculty, students -- I
- 21 don't remember if it has staff. I think it does.
- 22 Q. Okay. And what's it called?
- 23 A. I don't remember the name. We have a
- 24 Diversity, Equity and Inclusion section to our
- 25 website, and our annual report is posted there.

- 1 period -- that period of time?
  - 2 MR. DOWER: Objection;
  - 3 form.

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- 4 MR. NOTZON: Well, that's
- 5 a good -- that's a good objection
- 6 because I don't know what I'm
- 7 talking about.
- 8 BY MR. NOTZON:
- Q. Did that diversity report, has that
- 10 been going the entire time that you've been the
- 11 Dean, or did you implement it?
  - A. I implemented it.
- 13 Q. When?
- 14 A. Our first report was -- came out last
- 15 Fall.

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- 16 Q. Okay. So there's been one report?
  - A. There's one report right now.
- 18 Q. Okay. And is that under Professor
- 19 Julien?
- 20 A. Professor -- yes. She's now
- 21 Associate Dean for Diversity and Inclusion,
- 22 Christine Julien.
- 23 Q. That's -- that's under her
- 24 responsibilities?
  - A. That was under her responsibilities

66 68 1 to prepare the report. A. Michele Meyer, our Assistant Dean for 2 Q. Okay. 2 Engineering Student Services was nominally 3 A. And she also is changing the format, 3 chairing a committee. It focused mainly on 4 so it will be a different report when it is 4 students. 5 5 Q. I -- I think -- I think you're released next year, next Fall. Q. And how long has she been in that misunderstanding my question because I didn't ask 7 position? a good question. 8 A. She's in her second year. 8 Outside of the School of Engineering 9 Q. Okay. So did she culminate her first 9 was -year with that report? 10 10 11 11 A. Yes. Q. -- the focus of my question. Would 12 Q. Okay. And that -- that was your idea 12 that -- did anybody have a role like Christine to have her do that report after she took over Julien and a report outside of the School of 13 14 that position? 14 Engineering prior to --15 A. Yes. We had a committee, and without 15 A. Yes. 16 Q. -- her starting that job? 16 having, I guess, a -- a clear meter it was -- it was languishing. We weren't getting -- it -- it 17 took a lot of time, and so Christine needed to be 18 Q. And -- and which School are you aware able to devote time to it, so she was very, very 19 of and did you use those examples to form the 20 Julien position and the report? successful in -- in getting that report done. A. I think the College of Fine Arts was 21 Q. Was creating the position that she's 22 in and writing the report your idea, or is this 22 one of the first to have a -- a report. I looked something that's going on in the Colleges across at that, but that was not the basis for how we 24 UT that you have adopted to incorporate into the 24 did it. 25 School of Engineering? 25 I don't remember looking at reports 67 69 A. I think it's a combination of both, 1 from other Schools or Colleges, although we had 2 but the -- some Schools have -- have individuals 2 conversations at Dean's Council about it. in that position; some Schools don't. So I honestly can't tell you which 4 But I did make the decision that I 4 ones do and don't have it. There are 18 Schools 5 thought it was best practices to have some -- to 5 and Colleges, and I -- I don't know the 6 have the position, and then I also thought it was 6 administrative structure for all of them. important to have -- to be able to report on our 7 Q. Are any other STEM colleges doing it? progress and any issues that arise so that 8 A. I know that Natural Sciences has it's -- it's transparent to the members of our someone in -- in this position. I don't think 10 they have the same title. And I do not know what 10 community. 11 Q. I don't know that I got an answer to 11 the Jackson School is doing. 12 the other part of the question, which is what's 12 Q. Okay. Would you say that of the STEM 13 going on outside of the School of Engineering 13 Colleges that Engineering is the first to and -- and whether that activity in the other 14 formalize the diversity position and to have a 14 15 Schools influenced you --15 report? 16 A. So I mentioned that --A. No. I believe Natural Sciences --17 Q. -- at the University. 17 well, I believe Natural Sciences had a position 18 A. -- some Schools have someone in this 18 before us, but I do not know if they had a position and some Schools don't, so that the 19 report. 19 combination of just having discussions amongst 20 Q. Okay. Or how long they've had a 21 all the Deans, it appeared that would be a best 21 report? practice. 22 22 A. Right. 23 Q. Who was doing it before you? Q. Okay. Do you -- does Julien have any A. Before Christine was appointed? 24 24 dotted-line communications or reporting to the

25 University Office of Inclusion and Equity?

25

Q. Sure.

1 A. They have a committee, just as we

- 2 have a Dean's Council, so there is a group of
- 3 these diversity and inclusion officers, and she
- 4 participates in those.
- 5 Q. That's a way to get best practices
- 6 spread out across the University?
- 7 A. That's correct.
- 8 Q. And do you see all of this happening
- 9 since when? Since 2019? 2018?
- 10 MR. DOWER: Objection;
- 11 form.
- 12 A. So when -- when Dr. McInnis started
- 13 as our Provost we started having more
- 14 conversations about -- let me take a step back
- 15 here
- 16 I mean, there wasn't -- when Dr.
- 17 McInnis started as our Provost, we had more
- 18 conversations in Dean's Council about these types
- 19 of topics.
- 20 BY MR. NOTZON:
- 21 Q. Okay. But your decision to make the
- 22 position for Professor Julien was in the academic
- 23 year '19/'20 or '20/'21? No, '19/'20.
- 24 A. I think we made the decision in
- 25 '18/'19 because her appointment was effective

- 1 was our Chief Communications Officer.
  - 2 Q. So when you were saying "we," you're

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- 3 pretty much talking about you and -- is it Dr.
- 4 Speitel?

6

8

- 5 A. Yes.
  - Q. "Speitel" or "Speitel"?
- 7 A. "Speitel."
  - Q. All right. You have the benefit of a
- 9 easily pronounceable name, so you've probably
- 10 never had a problem with it.
- 11 Okay. Oh, while we're on Mr.
- 12 Speitel -- or Dr. -- it's Dr. Speitel, right?
- 13 A. Yes.
- 14 Q. All right. Did you inherit him or
- 15 did you hire him into that group?
- 16 A. He -- both Jerry Speitel and John
- 17 Ekerdt served in their roles as Associate Deans
- 18 with Greg Fenves, and then they -- they continued
- 19 as I've been -- when I took the position in the
- 20 Dean position.
- 21 Q. Okay. You had the chance to hire
- 22 your own, but you chose to keep them?
- 23 A. Yes.
- 24 Q. Okay. Does Dr. Speitel also have a
- 25 faculty role?

- September of 2019.
- 2 Q. Okay. And when you say "we," who's
- 3 "we" made the decision?
- 4 A. Well, amongst -- I use the "we" to
- 5 refer to the Leadership Team within the -- the
- 6 School, but it -- it was my decision.
- 7 Q. Who is on the Leadership Team that
- 8 made the decision in I guess the Spring of '19?
- 9 A. Or Summer. I -- I don't remember the
- 10 details. So Jerry Speitel, who's the Associate
- 11 Dean for Academic Affairs, he and I have had many12 conversations about the leadership structure of
- 13 the -- the Cockrell School, and so I -- I made
- 14 sure that I get the opinions from Jerry and then
- 15 there are other members of the Leadership Team.
- 16 I mentioned Michele Meyer. She's the
- 17 Assistant Dean for Engineering Services. I -- I
- 18 believe she had a role in this, too.
- 19 The other members, I'm not sure I
- 20 asked them directly. That would be John Ekerdt,
- 21 Associate Dean for Research, Eric Meyer, who's an
- 22 Assistant Dean for Continuing Education, --
- 23 Q. Are they related?
- 24 A. No. -- Chris Higgins, who's our
- 25 chief Development Officer, and Pat Wiseman, who's

1 A. Yes.

71

- 2 Q. Does he teach?
- 3 A. I don't remember the last time he
- 4 taught. I know he's taught occasionally since
- 5 I've been Dean, but he does not teach regularly.
- 6 Q. Does he have a re -- research
- 7 program?
- 8 A. He still maintains some -- he still
- 9 has research meetings, yes, so...
- 10 Q. Do you know what kind of funding he
- 11 has?
- 12 A. I do not know his funding, no.
  - Q. Do you know what his funding source
- 14 is?

13

- 15 A. I do not.
- 16 Q. Do you know the last time he got
- 17 funding?
- 18 A. I do not.
- 19 Q. Would you consider Dr. Speitel an
- 20 advisor?
- 21 A. I do.
- Q. Does he assist you in writing any
- 23 documents that you might need?
  - MR. DOWER: Objection;
- 25 form.

74 76 A. There are some cases of documents 1 advantage. 2 that he writes and some where I have full 2 BY MR. NOTZON: 3 responsibility. Q. Please give me an example of each. 4 BY MR. NOTZON: 4 And -- and I'd ask you to give me your worst 5 Q. Does he provide you with drafts for 5 example and your best example respectively. you to then edit and send out or -- or -- or is A. All right. The best example was 7 it -- well, I'll leave that question there. 7 early in my career I was invited to participate A. Yes. So any document where -- where in a number of workshops -- international 9 it's about the budget, about enrollment, anything workshops because there was an interest in having related to finances, he will always provide 10 11 11 information and -- and often write a draft, and And I think this -- it was a great 12 then we will work on it together to where we preparation for me in my career and it gave me believe we're ready to submit it to the Provost's opportunities that I would -- that male 13 14 Office. colleagues who were at my same level did not 15 Q. So you consider him a close advisor? 15 have. 16 MR. DOWER: Objection; 16 Disadvantages probably --17 17 Q. Just to follow up on that -- that 18 A. I do. As I consider all members of advantage, what you're saying is had you not been the Leadership Team to be close advisors. a -- one of very few women while they were trying 19 20 BY MR. NOTZON: to increase the exposure and experience of women, Q. Does anybody else write for you, as you may not have been selected for that role? 21 22 well, besides Dr. Speitel? 22 A. That is correct. A. My Communications Officer -- or Chief 23 23 Q. Okay. All right. And I'm sorry, go 24 Communications Officer often will write drafts, 24 ahead with your worst case. prepare presentations. It's all drafts. 25 A. I think the -- the negative is that 75 77 Occasionally the Chief Development 1 many times people dis -- people assume the only 2 Officer will write draft emails. They -- their 2 reason you were there was because you were a office develops all the letters that go to donors 3 token woman and that you had to -- you had to 4 that I sign. 4 demonstrate that you were there because of your 5 John Ekerdt and I are frequently 5 technical knowledge. 6 communicating about information that's going 6 Q. Okay. So would -- would it be 7 to -- specifically related to researchers and the 7 accurate to say that perhaps the worst experience 8 Directors of Research Centers. 8 that you had being discriminated against is the 9 Christine doesn't actually draft for unknown factor of whether or not people are me, but certainly she has -- we -- we -- I 10 looking at you as a token or whether you've 10 11 reviewed the report that we mentioned earlier 11 earned your right to be there in their minds? 12 before it was published. 12 A. I'm not sure I ever thought of it 13 Q. Does Dr. Speitel ever help you write 13 that wav. tenure and promotion evaluations? 14 14 Q. Okay. So when -- you're saying the 15 A. No. 15 worst one was that you were actually told that 16 Q. From your personal experience, either 16 you were thought of as a token? as a student, a faculty member, or an 17 A. Yes. 17 administrator, have you ever felt like you've Q. Okay. Did that introduce into your 19 mind that, "Oh, my God. Who else is thinking been discriminated against because of your 19 20 gender? 20 that I'm the token"? 21 MR. DOWER: Objection; 21 A. You know, you're asking me to 22 22 remember something that happened 35 years ago, so form.

24 sorry.

25

23 I cannot remember my state of mind. I'm really

Q. No, that's okay.

23

24

A. I believe in certain cases being a

woman has been a disadvantage to me, but I

believe in other cases being a woman has been an

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1 Did that cause you to try to be the

- 2 best so that there would be no question that
- 3 you're not just a token?
- A. Yes.
- 5 Q. You felt like you had to -- to meet
- 6 some standard that would be undeniable to the
- 7 people observing that there would be no question
- 8 about your competency?
- 9 A. I feel I always need to be my best.
- 10 Q. Yeah, but not because you want to be
- 11 your best, but because other people might think
- 12 you're a token if you weren't?
- 13 MR. DOWER: Objection;
- 14 form.
- 15 A. I -- what I've realized in my life is
- 16 that I can't worry about what other people think
- 17 about me.
- 18 I need to be the best that I can be
- 19 and be pleased with myself, and that's how I
- 20 approach it.
- 21 BY MR. NOTZON:
- 22 Q. Lunderstand.
- 23 A. And I -- I try not to internalize if
- 24 there are negative comments that appear to be
- 25 related only to my gender, and I -- I believe I

- 1 a victim of gender discrimination given what you
  - 2 know about the data related to women and STEM?
    - A. It is possible.
      - Q. Have you ever accused anybody of
  - 5 treating you differently because you're a woman?
    - A. Not to my recollection.
  - 7 Q. Okay. Has anybody ever accused you
  - 8 of gender discrimination?
  - 9 A. No.
  - 10 MR. DOWER: Objection;
  - 11 form.
  - 12 BY MR. NOTZON:
  - 13 Q. Do you understand that you're being
  - 14 accused of gender discrimination in this case?
    - A. I'm sorry. I was not -- right. I
  - 16 was -- yeah. Yes, Dr. Nikolova is accusing me of
  - 17 gender discrimination.
  - 18 Q. And pregnancy discrimination?
  - 19 A. And pregnancy discrimination, yes.
    - Q. Which arguably would be a subset?
  - 21 A. Right.
  - 22 Q. Undeniably would be a subset?
  - 23 A. Right.
  - 24 MR. DOWER: Objection;
  - 25 form.

1 do my best.

- 2 Q. Have you always done that, or is that
- 3 the benefit of reaching the -- the wonderful age
- 4 of 60 and looking back?
- 5 MR. DOWER: Objection;
- 6 form.
- A. I believe I've approached that my
- 8 whole life. I have not worried too much about
- 9 what other people think about me.
- 10 BY MR. NOTZON:
- 11 Q. So when you say that worst experience
- 12 happened, that only happened one time?
- A. No. There were multiple cases.
- 14 Q. Okay. And -- and when you say "worst
- 15 experience," that's the worst experience you know
- 16 of, correct?
- 17 A. Yes.
- 18 Q. Would you agree that you don't
- 19 necessarily know if you've been the victim of
- 20 gender discrimination in every potential case
- 21 that might have been part of your journey through
- 22 Engineering?
- 23 A. I don't believe it's possible to know
- 24 that.
- 25 Q. And it is possible that you have been

1 BY MR. NOTZON:

- Q. Okay. And given that you're a woman,
- 3 do you understand how Dr. Nikolova can accuse you
- 4 of gender discrimination?
- 5 MR. DOWER: Objection;
- 6 form.
- 7 A. I have read Dr. Nikolova's
- 8 statements, and I believe I can understand her
- 9 opinion.
- 10 BY MR. NOTZON:
- 11 Q. Okay. And my -- my question is more
- 12 on the, I don't know, I might say theoretical
- 13 side, but do you understand that a woman can
- 14 discriminate against a woman because of her
- 15 gender?
- 16 MR. DOWER: Objection;
- 17 form.
- 18 A. I believe that a woman can
- 19 discriminate against a woman or against a man for
- 20 gender discrimination.
- 21 BY MR. NOTZON:
- 22 Q. Okay. I just wanted to -- some
- 23 people might not think that that's possible, and
- 24 I just wanted to know if you felt that way. But
- 25 you don't. Okay.

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1	82 From your understanding of of the	1	University might consider you as given that	84
2	faculty at the School of Engineering, would you		you're a woman, that you may be benefitting	
3	say that there are more or less women present on	3	women?	
4	the faculty than when you started?	4	MR. DOWER: I'm going to	
5	A. When I started as a faculty member or	5	object to form. Go ahead.	
6	when I started as Dean?	6	A. To my knowledge, no one has has	
7	Q. Dean.	7	or to my based on my memory, no one has	
8	A. There are more.	8	brought that up to me, and	
9	Q. Okay. And and could you tell us	9	BY MR. NOTZON:	
10	how many more?	10	Q. That's not my question, though.	
11	A. I would have to check my notes. I	11	A. I know. Am I concerned that people	
12	don't have that on the top of my head.		might think that I'm favoring women?	
13	Q. Okay. More in terms of tenure-track	13	Q. Yeah.	
14	and tenure, or just tenure, or do you know?	14	A. I would say no.	
15	A. I believe it's in both in in	15	Q. Okay.	
		16		
16	all ranks, there are more women than there were		A. And I I mentioned before, that	
17	when I started as Dean.	17	people's views of me are not what guide my	
18	Q. Okay. And when you say "all ranks,"	18	decisions.	
19	you're talking about the three, Assistant, Associate, and full?	19	Q. So back when you were telling the story of being concerned that somebody might view	
20		20	, ,	
21	A. Correct. We also have more women as	21	you as a token, that that was just something	
22	Department Chairs than when I started.	22	that happened in the past, and that no longer	
23	Q. Okay. And did did you play any	23	happens anymore?	
24	role in that?	24	MR. DOWER: Objection;	
25	A. Yes. Well, I there are search	25	form.	
	83			85
1	83 committees who would submit a list of unranked	1	A. Unfortunately, it still happens	85
1 2			A. Unfortunately, it still happens occasionally.	85
_	committees who would submit a list of unranked		• • • • • • • • • • • • • • • • • • • •	85
2	committees who would submit a list of unranked candidates to me, and then I made the selection	2	occasionally.	85
3	committees who would submit a list of unranked candidates to me, and then I made the selection who the Department Chair is based on what I	2	occasionally. BY MR. NOTZON:	85
2 3 4	committees who would submit a list of unranked candidates to me, and then I made the selection who the Department Chair is based on what I believe their qualifications are.	2 3 4 5	occasionally. BY MR. NOTZON: Q. That's why I asked the question.	85
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86 1 A. I was attending a football game as --1 going to be shifting gears here, 2 at a donor's suite, and I was introduced to 2 all right? 3 someone from outside -- another individual at the 3 MR. DOWER: That sounds 4 suite who was not an engineer, who was surprised great. that there was a female Dean -- or a woman who 5 THE COURT REPORTER: We're 5 was Dean of Engineering. 6 going off the record at 10:51 a.m. 7 Q. And that surprise could be genuine 7 (Recess held from 10:51 a.m. to 11:04 a.m.) given the -- the whole dearth issue, but it also 8 THE COURT REPORTER: And 9 could be raising the question of tokenism, right? we're going back on the record at MR. DOWER: Objection; 10 10 11:04 a.m. 11 form. 11 MR. NOTZON: And you're 12 BY MR. NOTZON: 12 on, Bob? 13 Q. That's what you're thinking? 13 MR. SCHMIDT: And we 14 MR. DOWER: Objection; 14 are on recording. 15 15 MR. NOTZON: Okay. A. I don't know what motivated this 16 16 BY MR. NOTZON: individual to ask the question. I'm sorry. 17 Q. So Dean Wood, I just want to follow 17 BY MR. NOTZON: 18 up on a couple of questions. 18 Q. No, I know you don't. I'm just 19 Are you aware of any investigation 19 that was conducted as a result of Dr. Nikolova's 20 saying that was in your mind, is it could --20 could be one or the other, but they didn't 21 21 complaints? explain and you didn't explore? 22 A. Dr. Nikolova submitted a CCAFR 22 23 A. I did not explore and they did not complaint, or complained to CCAFR, and so there 24 explain, you are correct. was an investigation that they completed. That 25 Q. And this was a man? 25 report went to President Fenves. 87 gg A. Yes, it was. Q. Any other investigation? 1 2 Q. Would you have felt the same if a 2 A. That's the only investigation I know 3 woman had expressed surprise? 3 of. 4 A. Most of the time -- or any instances 4 Q. Okay. Do you understand that the 5 I'm remembering right now, a woman has been very 5 CCAFR Committee did or did not look at complimentary and saying, "It's great you're in 6 investigating gender or pregnancy discrimination this position. It's -- it's a long time coming 7 issues? to have a woman in a leadership role like this." 8 A. I don't believe it's within their 8 9 So their intent was clear, and I purview. I believe their purview is directly related to the promotion and tenure process. 10 didn't have to wonder about their intent. 10 11 Q. So let me ask it a little bit 11 If Dr. Nikolova had made another differently, then, because I don't think that complaint to the University, then another group 12 12 answers the question I asked, but I appreciate 13 would have done the investigation, such as Office 13 of Equity and Inclusion, and then they would have 14 the clarification. If a woman had said what the guy said 15 asked me to -- they would have -- they would have 15 in that box at the football game without 16 engaged me to -- as part of their investigation. elaboration, would you have felt the same 17 Q. So you're not aware of that 17 potential tokenism concern? 18 occurring? 18 MR. DOWER: Objection; 19 A. To -- to my knowledge -- I have not 19 20 form. 20 been contacted by them. 21 A. If a woman had said exactly what the 21 Q. Okay. Have there been any man -- man said to me, I would have felt the same investigations into discrimination by OIE or any 22 22 other organization at UT within the School of 23 way. 24 MR. NOTZON: Let's go Engineering since you've been the Dean? 25 ahead and take a short break. I'm 25 A. Yes.

90 92 Q. Could you just generally describe 1 student ones were handled a different way than 2 them without going into great detail, the basis 2 the -- the faculty ones. 3 of the -- the complaint and the -- the year and Oh, we had -- we had a staff member 4 the College. 4 who was -- his employment was terminated because 5 A. So the one I'm remembering most he did kiss another staff member in a breakroom. frequent -- most fairly comes to my head was Q. Okay. 7 reported in the "Austin American Statesman" in I 7 A. So to -- to the best of my knowledge, believe the Fall. 8 that is -- that's what I remember. 9 We had a Research Professor and 9 Q. And that first one didn't have an Emeritus Professor who a staff member had a 10 10 investigation because it didn't rise to that complaint against, and there was a finding 11 level and you -- you just spoke to the faculty 12 against that individual, and he was -- he was 12 member and it was taken care of? prohibited from ever being employed by the 13 13 A. There was an investigation that went 14 University again; he was prohibited from having 14 through the University processes but there was 15 an office on campus. 15 not a finding. Q. Was this gender or sexual harassment? 16 16 Q. Oh. 17 A. It fell under the broad sexual 17 A. And so then the resolution was me 18 harassment policy. 18 talking with the faculty member, correct. 19 Q. Okay. 19 Q. All right. And back to I'd asked a 20 A. The University changed its policy 20 question about whether or not you'd done very recently, but it fell under the older sexual proactive things to prevent discrimination in the 21 22 harassment policy. workplace, and you had given a list of the 23 Q. Okay. And any other complaints/ questions to provide on interviews and the annual investigations that you're aware of since you've 24 training. been there? 25 Is there anything else that you do in 91 93 MR. DOWER: Objection; 1 the School of Engineering to try to avoid 1 2 discrimination? 2 3 A. I -- I wouldn't -- I would have to 3 MR. DOWER: Objection; hypothesize or guess that we might have one or 4 form. two cases a year. That was the only case I can A. One of the things that has been 6 recall -- I'm sorry. Let me take a step back. happening lately, and I'd say in the past two or 7 I can remember -- there have been three years, is we've been having different types complaints -- some complaints come in through the of months to celebrate. 8 anonymous hotline, so the investigation system a So February is Black History Month, slightly different. and then there's a month for Hispanics and Lat --10 10 11 There was I believe one faculty 11 I don't remember the term. I'm sorry. 12 member, a -- a complaint by a graduate student 12 So we've been having days to 13 that did not rise to the level of harassment. I 13 celebrate that to try to build community. We've believe gender was a component of it. I did have had another one devoted to Asian-Pacific Islander 14 15 to advise a faculty member that he needed to be heritage. So those are things that we've been 16 much more careful. 16 trying to do to build community. 17 17 There was a complaint by a post-Doc We have a very longstanding -who left the position early. That was 18 MR. DOWER: Isn't it --19 THE WITNESS: I'm -investigated. I do not remember what the finding 19 was. I think -- I don't remember if there was a 20 I'm sorry? 21 finding or not. I remember the investigation. 21 MR. DOWER: Isn't it women 22 22 I remember investigation about a -- a this month? 23 THE WITNESS: I believe it 23 TA that had -- against female student.

24

25

A. We have a -- I was going to say we

24

So those are the only ones that I

specifically remember in my eight years, and the

94 1 have a very longstanding "Women in Engineering" 1 if I can pronounce the last name. 2 program, and so they have a number of different A. There were a number of complaints 3 programs that they run throughout the year, but I from Nuria and -- and her husband, yes, and also 4 think this is -- they have some special things the students associated with it, yes. 5 for this month. Q. And -- and what were the -- who was 6 But to be honest, those are -- those 6 the complaint against? 7 are delegated to individual staff members, so 7 A. There were multiple complaints. that does not rise to my level to do the planning There were complaints against her; she made 9 for those events. complaints. I would have to check my notes to really keep track of everything because it was so 10 (Zoom vidoconferencing distortion.) 11 MR. DOWER: Robert, 11 complicated. 12 you're freezing up at least on my 12 Q. Okay. Did anybody in the group of 13 end. We may need to, you know, 13 people complaining complain about you? 14 log out and log back in. 14 A. Not to my knowledge, because I was 15 THE WITNESS: I'm sorry. 15 never asked to -- I was -- my participation in 16 I could not hear the question. 16 the investigation was -- I was not in -- I was 17 MR. DOWER: Do we want not asked to -- to speak as part of the 18 to go off the record for a second investigation, does that make sense? 18 19 19 I only dealt with -- I did not deal and help Robert with his issue? 20 MR. SCHMIDT: Yes, 20 with the investigators directly, I only dealt with the Provost's Office, so I do not believe 21 let's go off the record. 22 THE COURT REPORTER: We're that there was a complaint against me. At least 23 going off the record at 11:12 a.m. 23 I -- I was never aware of one. 24 (Recess held from 11:12 a.m. to 11:22 a.m.) 24 Q. In other words, you weren't 25 THE COURT REPORTER: We interviewed as a person with knowledge of -- of

95 97

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1 are back on the record at 11:22 a.m.
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2 BY MR. NOTZON:

Q. Okay. Dean Wood, technical

4 difficulties, but we're -- we're persevering.

Is there anything else that you do to

6 avoid or prevent discrimination in the workplace?

7 MR. DOWER: Objection;

8 form.

3

5

9 A. So I -- I think we talk -- I'm sorry.

10 Any time something comes up at Dean's Council

11 that it is important to share with the Department

12 Chairs, I make sure that we discuss it with them,

13 and then we have other things that we talk about

14 every year related to, you know, discrimination

15 or policies that -- that we might -- that we talk

16 about, just to make sure that all the Department

17 Chairs are reminded of those facts.

18 BY MR. NOTZON:

Q. Okay.

19 20

A. I think our -- a lot of our concern

21 is on search committees, and so there are

22 specific training and antibias training for --

23 for faculty search committees.

24 Q. Was there ever a complaint from a

25 person named Nuria Gonzalez -- and I don't know

1 relevant facts?

5

6

17

A. Correct.

Q. And -- and her husband's name is

4 Robert Heath?

A. Yes.

Q. Okay. And -- and how do you

7 pronounce her last name?

8 A. I would have to look at it to -- I'm

9 not sure I actually know how to pronounce --

10 pronounce it or spell it off the top of my head.

11 I'd have to look it up.

12 Q. Okay. And did that end up with

13 the -- the two of them. Professor Heath and --

14 and his -- is Nuria also a Professor, as well?

15 A. She was in a Research Professor role

16 at the time.

Q. Okay. Did they leave UT?

18 A. They did leave UT.

19 Q. Okav.

20 A. And she was offered tenure or a

21 tenure-track position at NC State, which is

22 where -- so they both got tenure or tenure-track

23 positions at NC State.

Q. Okay. And Professor Heath was a full

25 Professor in PCQ here at UT?

	98	;		100
1	A. That is correct.	1	Q. Okay. '19/'20?	
2	Q. Okay.	2	Hello?	
3	A. So I do know that police investigated	3	A. Yes, '19/'20, yes.	
4	complaints she had against the graduates and the	4	Q. I'm sorry. I I didn't know if I	
5	police did investigate, so it wasn't just the	5	was going off again. Okay.	
6	the UTPD investigated in addition to the office	6	MR. SCHMIDT: Just to	
7	of Equity and Inclusion.	7	correct you-all, it's 2020?	
8	Q. Okay. So there was an alleged crime	8	THE WITNESS: Oh,	
9	in in in addition to an interpersonal	9	wait. No, it was	
10	relationship?	10	MR. SCHMIDT: Not 1920.	
11	A. There were many different	11	THE WITNESS: This is	
12	allegations, yes, and she did engage UTPD, right.	12	'20/'21 we're in right now.	
13	Q. Okay. And and you're saying	13	MR. SCHMIDT: Yeah.	
14	was that one of the four that you were talking	14	THE WITNESS: And we	
15	about from before?	15	did it last year, so that would	
16	A. No, I'm sorry. I'd forgotten that	16	have been '19/'20.	
17	one.	17	MR. SCHMIDT: 2020.	
18	Q. Okay. And to follow up, did are	18	MR. NOTZON: No,	
19	you aware if there were any findings either by	19	'19/'20.	
20	the UTPD or OIE related to those series of	20	THE WITNESS: So	
21	complaints?	21	2019 to 2020	
22	A. There were concerns about violations	22	MR. SCHMIDT: There	
23	of FERPA where student information was shared	23	we go. I'm sorry. Yeah, yeah,	
24	that should not have been shared.	24	yeah.	
25	I don't know if it got to the point	25	MR. DOWER: For the	
	99	)		101
1	of a finding and I think the fact that they both	1	record, you're you're saying	
	resigned may have stopped the investigations. I	2	there should be a dash there.	
	honestly don't know.	3	You're not giving the year in	
4	Q. When you say "they both resigned,"	4	the Year of our Lord 1920;	
5	you're talking about Nuria and her husband?	5	you're saying '19 dash or	
6	A. Right.	6	hyphen '20?	
'	Q. Okay. Did the graduate student stay?	/	THE WITNESS: That's	
8	A. So the graduate student there were	8	right. The year 2019 dash 2020.	
	four graduate students. What the graduate	9	MR. SCHMIDT: Okay.	
1	student who probably was the I would call the	10	Thank you. I was I was	
11	leader of the group did complete his Ph.D. with a	11	just that's all I was doing.	
12	different supervisor.  Q. Okay. But you're not aware of the	13	And Robert, I apologize. I didn't mean to interject.	
14		14	MR. NOTZON: Okay. The	
15	A. I I know of at least one other is	15	Dean and I knew what we were	
16		16	talking about.	
17	Q. And were were they in ECE, as	17	BY MR. NOTZON:	
	well?	18	Q. So on the faculty eval salary	
19	A. Everyone involved was in ECE, yes.	19	evaluation, were there any findings?	
20	Q. Earlier you mentioned the evaluation	20	A. This was not a formal investigation,	
21	of faculty salaries that was done.	21	so there would not not have been a possibility	
22	Do you remember what year that was?		of findings.	
23	A. I know we had a special review for	23	Q. Okay.	
24		24	A. The Provost asked us to look	
25		25	specifically at at our entire faculty and	
			•	

1 identify if there were equity issues.

2 Q. Okay.

3 A. We had some -- some that were -- some

4 were men, some were women, and we -- we had to

5 pull up funds that we could use to address them.

Q. And who was in charge of that for the

7 School of Engineering, the -- the identifying

potential disparity issues?

9 A. So we asked each Department Chair to

10 look specifically at their Departments. I'm

11 using "we" as Jerry and I, right? Because Jerry

12 handled -- Jerry did all the background

13 spreadsheets that were important to him.

We -- Jerry and I also looked at them 14

15 independently. Then we met with the Department

16 Chairs, compared our lists, and eventually came

to an agreement. 17

18 Q. Okay. And did you identify any

disparity issues in the School of Engineering 19

salaries? 20

A. We did find equity issues in the 21

Cockrell School, yes. 22

23 Q. Did you find any that were gender

24 related?

1

5

25 A. I mentioned we had some men and some 1 out at that time?

2 A. We would have, but because of COVID

the merit goal was reduced to zero. So we were

in a situation that there were only -- only some

very specific raise -- raise goals that were

available. One of them was related to this

7 equity issue.

8

Q. How much money was made available by

the University for the School of Engineering for

10 this diversity issue?

11 A. I don't remember. I'd have to check

12 my notes. Nor do I remember the total salary --

the total of all the salaries in the Cockrell

14 School.

15 Q. And do you remember if there were

16 more women than men that were adjusted based upon

17

18 A. I do not remember. I -- we -- we

provide document -- spreadsheet documentation to

20 the Provost's Office.

21 Q. Okay.

A. There were both men and women on the

23 list.

22

24 Q. Okay. But you -- you have no idea or

no concept of the -- the relative quantities?

women who were on this list.

2 Q. Right. Did you find any issues where

3 the females were being paid less than they maybe

should have been based upon your analysis? 4

A. Well, we would only give raises to

6 individuals if they were being paid less, and we

found some men and some women on the list --

Q. So --8

9 A. -- that were included.

Q. Okay. So it was a little of both 10

that were on the underpaid side based upon your 11

analysis? 12

13 A. Correct.

14 Q. And do you remember who they are?

A. I would have to check my files. I 15

don't know off the top of my head. 16

Q. And that would be -- those -- those 17

salaries would have been adjusted between last 18

academic year and this academic year? 19

20 A. Right. Those salary adjustments

21 would have been in effect on September of 2020 --

22 September 1st, 2020.

Q. And you would have taken those 23

24 adjustments at the same time as everybody's

receiving whatever other raises were being doled

103

A. I do not remember. 1

Q. And you couldn't even say just more

or less or equal? You just have no idea?

4 MR. DOWER: Objection;

5 form.

6 A. I would not want to ha -- hazard a

guess because this is a very detailed question

and I'd rather be able to provide you with the

actual information than something that could be

proven to be incorrect.

11 BY MR. NOTZON:

12 Q. Would it be accurate to say based

13 upon your answer that that was not discussed as

14 to whether or not there were more women or more

15 men that were needing adjustments because of the

16 diversity analysis?

17

A. Right. That was not -- that was

not -- well, we looked at every individual.

There are cases -- yeah, we looked at every 19

individual in the Cockrell School.

21 So the Provost did not give us a

criteria that so much had to be used for women

and so much had to be used for maybe

underrepresented minorities. They wanted us to

evaluate everyone in the school.

Appx.0699

106 108 And then they -- usually they give us 1 testimony is that you didn't see a gender equity 2 a pot of money and tell us how we want to spend issue that needed to be adjusted? 3 it. In this case, they actually didn't give us a 3 A. I did not say that. 4 pot. 4 Q. Okay. Then I'm asking you. 5 They said, "What would you need to 5 Did you see that a gender issue address equity issues?" So it was done 6 needed to be adjusted in this salary review? 7 differently this year than any type of raise goal 7 A. I believe within the entire scope of the Cockrell School, there were some women who 9 had had -- their salaries needed to be adjusted. Q. Given that the whole basis for the 10 10 analysis and the adjustments was diversity, why Whether they were -- the reason that wouldn't you have discussed the gender or the 11 their salary was lower to begin with, I did not 12 diversity issue that was being adjusted? 12 investigate. All I looked at was where were they 13 MR. DOWER: Objection; relative to their peers, and if it was not a very 14 clear-cut performance basis, then we would look form. 15 A. No, I'm -- I'm sorry, the -- the 15 at raise -- providing a raise. 16 16 issue was equity, and so there are cases where So I know there were women on the perhaps we have two men at the same rank and 17 list. 18 Q. And were those women on the list 18 they've been here the same amount time, or perhaps one got an adjustment because that 19 adjusted to an equity basis as to men comparators? 20 individual went out and got a job offer at 20 21 21 another university. A. There may be women comparators, too. 22 And so one of the things we would do 22 Q. I'm asking --23 is we would then make them equal or close to 23 A. We looked at -- we looked at the equal to address a -- a systemic problem like 24 peer -- so you're asking me an example. Again, 25 that. 25 there are roughly 300 faculty members. 107 109 I've already told you I don't So there were a whole variety of 2 things that we considered in this, and we were 2 remember how many women and how many men got 3 asked to address the equity of our salaries 3 these raises, so I certainly cannot tell you how 4 within the Cockrell School. 4 many of the women were raised up relative to men, 5 BY MR. NOTZON: 5 and there weren't women in the comparative pool 6 Q. Okay. And may -- maybe I got and how many had women in their comparative pool. 7 confused there. 7 I'm sorry, I cannot answer that question. 8 So when you're saying "equity," Q. I didn't ask how many, I just asked you're talking financial equity. You're not if there were any that were females that were talking gender, race, age, you're not talking 10 adjusted up to a male competitor. 10 11 about those issues? 11 A. Yes. 12 12 A. We were asked to look at the salaries Q. Com -- comparable, not competitive. 13 and see if there were any issues of equity. And 13 equity could be broad, right? It -- it could be 14 Q. Okay. Were any men adjusted up to a 14 15 anything. It's just as you're describing. 15 female that was higher paid? 16 So we looked at every individual and 16 A. I cannot remember a specific case, 17 we looked at the peers who had -- most closely 17 but I cannot preclude that from being the case. tied to them to see if there were differences in 18 I just don't remember. salaries, and if those differences were based on Q. Right. It doesn't come to mind from 19 performance or on perhaps some other issues, such 20 your limited rec -- recall of the many actions as, as I mentioned before, one person getting an 21 that were taken based upon your prior testimony? 22 external offer and getting a raise and another A. Correct. 23 one not. So that -- that was how we approached 23 Q. Okay. Was Dr. Nikolova's salary

25

24 increased as a result of this analysis?

A. I do not believe it was.

24

25

Q. So would it be accurate that your

1 Q. If she got a raise effective

- 2 September 1st, it would have been because of this
- 3 analysis?
- A. Yes, because our normal merit goal
- 5 was set to zero.
- Q. Right.
- 7 A. So there were -- I think -- I believe
- 8 there were three categories of people who got
- 9 raises. There were people who are in a -- a
- 10 program established by the Provost three years
- 11 ago that was called Faculty Investment
- 12 Initiative, and it was the second phase.
- 13 So they were guaranteed raises over a
- 14 three-year period. The Provost made the decision
- 15 to go ahead with those raises.
- 16 There were faculty who were putting
- 17 new endowments, and so because there was a new
- 18 endowment they were able to get an -- an increase
- 19 due to that.
- 20 Dr. Nikolova did not get a new
- 21 endowment because tenured faculty are the ones
- 22 who were getting endowments, so I'm pretty sure
- 23 that didn't happen.
- 24 And then the last case was a result
- 25 of this equity adjustment.

- 1 Did -- earlier you were the
  - 2 testifying about Julien -- Professor Julien's
  - 3 Diversity Committee had been doing -- a lot of
  - 4 her work was focused on students.
  - 5 Has she done any work related to
  - 6 faculty?
  - 7 A. So actually the Committee has -- has
  - 8 done a lot. The Committee existed before Dr.
  - 9 Julien stepped in, and the Committee itself has a
  - 10 lot of staff on it, and they have done work with
  - 11 students.
  - 12 Dr. Julien really has been focusing a
  - 13 lot on faculty efforts, her -- particularly how
  - 14 we advertise -- advertise for faculty positions
  - 15 and how the interview process is going, how we
  - 16 ensure everyone's using best practices.
  - 17 That was -- that was her primary
  - 18 focus during the first year.
  - 19 Q. Okay. So any focus on existing
  - 20 factors? Anything done on existing factors?
  - 21 A. You know, she's held a number of I'll
  - 22 call them "coffee hours" for existing faculty,
  - 23 but I don't know of any new policies that were
  - 24 implemented for existing faculty during her first
  - 25 year.

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Q. Okay.

- 2 A. So those were the only -- those are
- 3 the only categories of people who are able to get
- 4 raises.

1

- 5 That does not mean -- so we had
- 6 already gone through the process before the merit
- 7 goal was set to zero, so we were assuming that
- 8 there would also be merit increases in addition,
- 9 but then because of COVID and because of the
- 10 financial difficulty of the University, that --
- 11 those merit increases were set to zero.
- 12 Q. Okay.
- 13 A. So as a result. I know -- I know one
- 14 person, for example, has -- has filed a complaint
- 15 because he did not get a raise last year because
- 16 he was not in one of those three categories, and
- 17 so he's now filing a complaint because his salary
- 18 did not increase, and that -- that investigation
- 19 is under -- under way right now.
- 20 Q. Okay. And that was -- that's an
- 21 Assistant Professor?
- 22 A. No. This is the endowed Chair, so
- 23 full Professor.
- 24 Q. All right. And last will be review
- 25 questions.

Q. Okay. Or since she's been in that

- 2 role?
- 3 A. Right.
- 4 Q. Okav.
- 5 A. I think the fact that much of the
- 6 time has been -- especially for the past -- the
- 7 past calendar year we've been in COVID. It's
- 8 been really hard to -- to have a lot of in-
- 9 person -- you know, so actually -- so one thing
- 10 that did happen that she did is I mentioned the
- 11 movie "Picture a Scientist," so this -- it talks
- 12 about gender inequities in -- in STEM fields.
- 13 So this was something that we did in
- 14 collaboration with -- Christine lead this. We
- 15 had a showing that was available to faculty in
- 16 Engineering, Natural Sciences, Jackson School of
- 17 Geosciences, and Pharmacy, and I believe that she
- 18 also had some follow-up conversations or -- or
- 19 the equivalent of a book club to have
- 20 conversations about the movie afterwards, so that
- 21 was something in specific that was really
- 22 targeted at -- at current faculty.
- 23 This -- the -- the woman who led that
- 24 MIT study that I referenced earlier was featured
- 25 in the movie. There was also a woman, I don't

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114 116 1 remember where she was from, but she had done Q. Okay. And does Professor Julien 2 field work, and she had been harassed by her 2 still teach? 3 supervisor when she was a Ph.D. student, so there A. Yes. She has a halftime 4 was a long dis -- there was -- that was part of 4 appointment -- she has a halftime academic 5 appointment. And this is part of my negotiation 6 And there was a third person I'm just with the Associate Deans, as to what they want 7 not remembering right now. So I think this 7 their responsibilities to be. 8 Dr. Julien told me how much she really was trying to focus on these inherent 9 biases that can exist, and then the fact that enjoys teaching, and so it was very important for her to be able to maintain her role in the 10 there were discussions afterwards was -- was 11 something that was -- an attempt to -- to help 11 classroom. 12 foster discussion within the Cockrell School 12 Q. Okay. And so her time is divided? primarily at -- for faculty and -- and grad 13 13 A. Yes, not --14 students. 14 Q. She was not expected to do one or the 15 Q. Okay. Following all this, no 15 other? specific policy was proposed or implemented? 16 16 A. Not only -- she has a 50 appoint -- a 17 50 percent appointment as Associate Dean and a 18 Q. Okay. That would be accurate? 50 -- and 50 percent as a faculty member, 19 A. Yes, you're correct; right. correct. 20 20 Q. Okay. And what about her research? Q. And in -- in selecting Professor 21 Julien for this role, that was your decision? A. That actually was my concern, right, 22 22 was that I wanted to make sure that her research A. It was. 23 Q. And were there -- was it a posted 23 maintains a high level, but she -- she's -- we position? Were there other applicants? 24 24 came to an agreement that this is something 25 A. So I -- I did not post it. Professor 25 she -- so we -- we -- she negotiated on 115 117 1 Julien had participated in an academic leadership 1 what she wanted to do, and I feel it's important 2 program called "ELATES"; it's run through Drexel 2 for people to -- to do what they want to do. 3 University. And she had -- when she So she is still doing research. She 4 participated, which was a couple of years ago, 4 is -- we're paying -- we're paying her two months 5 she had specifically said that she was interested of summer salary, and -- and then she has a halfin a leadership role within the Cockrell School; time appointment which has a different pay rate 7 she was interested in an academic leadership for her administrative role. role. 8 8 Q. Okay. And what's the -- what's the 9 So the -- the two women that I -two months of summer salary for? 10 that I had hired from outside to be Department 10 A. For her administrative role. 11 Chairs also participated in that program, so I 11 Q. Okay. Because it continues all year reached out specifically to Christine to see if 12 long? 12 13 this would be something that was of interest to 13 A. Right. Q. Okay. And do you know what kind of her, because when she -- when I had talked to 14 14 her, which was part of the requirement of this 15 funding she has? 15 16 leadership program, you know, she asked to be --16 A. Not off the top of my head, no. for me to consider her. 17 17 Q. Okay. 18 Q. Okay. When did she first tell you 18 A. Normally, though, a faculty member 19 that she was interested in administration? 19 pays their summer salary from their research 20 A. That would have been when she applied grants, so by covering two months of her summer 21 for the ELATES program, which I do not remember salary, this would give her more flexibility in 22 when it was. I'd have to look in my files. It 22 her research grants. 23 was several years ago. 23 Q. Okay. It doesn't claw away the --24 Q. While you were the Dean? 24 the funding pool? 25 25 A. Yes. A. No.

1 Q. Okay. And she's an Associate?

2 A. She's a full Professor and an

3 Associate Dean.

4 Q. Okay. And when did she get her full

5 Professorship?

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A. She was promoted since I have been

7 Dean, but I do not remember the year.

Q. Okay. It was before she got this

9 role as Associate Dean?

10 A. Yes.

11 Q. Okay. Let's talk about early

12 promotion.

Tell me if you understand that early

14 promotion is -- requires a different standard

15 than the full probationary clock period

16 promotion.

17 A. Early promotion requires

18 additional -- the -- for early promotion -- a

19 candidate must be above the bar in all areas to

20 be successfully promoted on an early basis, yes.

Q. Okay. And where is that requirement

22 found in UT policy?

23 A. So every year the University issues

24 guidelines for promotion and tenure, and there is

25 a statement in there that says early -- or -- I

1 the Provost had conversations about accelerated

The Free of the desired about according

2 promotion. It made it clear that the

3 expectations were that the accelerated promotion

4 would be used very rarely, and be used for cases

5 that are above the bar in all areas.

6 Role --

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9

7 Q. And -- I'm sorry. Go ahead.

A. No, go ahead.

Q. And so this is a verbal

10 communication?

11 A. Yes, it is. It's oral.

12 Q. There's nothing in writing?

A. Correct.

14 Q. Or -- or another way to put it, is

15 there's -- there's no formal policy that says

16 "above the bar in all areas for accelerated

17 promotion"?

18 A. This is -- this is guidance that

19 is -- was given to us multiple times through the

20 Provost's Office.

21 Q. Okay. And when did you first

22 understand that "above the bar in all areas" --

23 well, I don't want to get locked into that

24 language. I don't know if you do, either.

25 But when were you first informed

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1 think they using the word "accelerated" now --

2 accelerated promotion must be justified.

3 So that's -- that is where it

4 officially occurs in the policies, however, after

5 every promotion cycle the President's Committee

6 meets with Dean -- has an open meeting with Deans

7 and Department Chairs to talk about the last

8 cycle and what their expectations are and to make

9 sure that everyone is on the same page, and this

10 is frequently a conversation during those --

11 those presentations.

Q. Isn't the language not -- it doesn't

13 use the word "justified"; it -- it uses the word

14 "explained."

12

15 A. I believe you are correct.

16 Q. And isn't it true that there's

17 nothing that says that you have to achieve a high

18 bar in all areas differently from the full

19 probationary clock review?

20 A. So the written guide -- the written

21 guidance certainly says that, however, the oral

22 guidance that is given to the Deans is -- as I

23 mentioned, is "above the bar in all areas."

24 As a matter of fact, there were

25 numerous discussions within Dean's Council where

1 either as a Dean or before you were the Dean that

2 accelerated -- and I'll use the term "accelerated"

3 because that's the one you're using --

4 accelerated promotion would require a different

5 standard than what -- what's the other one? So

6 there's "accelerated" and then there's -- that's

7 the other promotion called?

8 A. It would be just called "on time."

9 Q. Okay.

10 A. And so --

11 Q. All right. So when did you first

12 understand that "accelerated" tenure

13 consideration required a higher standard than an

14 "on-time" tenure consideration?

15 A. So when I was a Department Chair I

16 started attending -- there was an academic

17 leadership event.

18 The Provost's Office offered --

19 organized an academic leadership meeting before

20 the beginning of the academic year.

21 I attended that where they talked --

22 had a session on promotion and tenure. I

23 attended the President's meetings with the other

24 members of the President's Committee where

25 they've talked about it.

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122 124 And so I think that is how I gained 1 "on-time" promotion. 2 my understanding of it. 2 BY MR. NOTZON: 3 Q. And that understanding has remained Q. Okay. At least since the time that 4 constant from that whole -- so over ten years you heard increased standard? 5 5 A. Right. you've had that understanding? A. No. The -- the University -- I 6 Q. Okay. So when I said "it remained honestly believe that the expectations have 7 the same," I meant that -- the higher standard. changed as the members of -- as the members of That's why I went away from that "above the bar the President's Committee have changed. in all areas" just in general. 9 A. Right. 10 And so there are -- every year, 10 11 Q. Okay. So what you were telling me is 11 that's why it's -- that's why they brief us every 12 year on things that they've noticed, things they 12 what has changed is the intensity of how high want us to address specifically. But it is done that bar needs to be cleared? 13 14 orally. That's one of the things that makes it 14 A. Right. And -- and another thing that 15 has changed is --15 challenging. But the -- the members of the 16 16 Q. Wait, wait. Would you answer that Committee have -- have changed significantly. I 17 question first? 17 think there's only one member of the Committee 18 A. Yes. I'm sorry. The -- yes, how far 19 who has served the entire time that I've been 19 above the bar. 20 Dean 20 Q. Okay. So that -- that bar has moved, So each President has a different -and where the bar is had moved over the period of 21 22 has a different take on what is required for years, what? 15, 20 years now? 23 early promotion, and so that -- or, I'm sorry, 23 A. No, 12, 13. 24 Q. Okay. All right. Now you were going accelerated promotion, and then the Provost had very -- when Dr. McInnis came in as Provost, she 25 to say something? 123 125 1 had some very strong feelings, also. A. I was going to say one thing that has So as I mentioned, this was discussed 2 2 changed significantly is we -- we talked about -within the Dean's Council several times. 3 or we didn't talk about, but the University has a 3 4 Q. What was Provost McInnis' strong 4 policy that a faculty member can request an 5 opinion on it? Strong which way? extension to the probationary period because for 6 A. She also believed that an the birth or adoption of a child or to take care 7 "accelerated" promotion needed to be "above the 7 of a sick family member. bar in all areas." 8 8 In the past they did not ask the Q. Okay. So you -- you answered my 9 candidate to rescind if they wanted to go up at question earlier about the first time you heard 10 the normal time, and now they're asking 10 11 about "above the bar in all areas," a higher 11 specifically that you rescind so that it -- the standard for "accelerated" versus "on time" was 12 amount of time that you're -- that you -- if 12 13 when you were a Department Chair. 13 you're at the six years of in rank, which would 14 And could you identify where -- and I 14 be the normal time, right, if you had been five asked you if that remained the same, where a -- a 15 years of probationary service and one year of 15 16 higher standard for "accelerated" over "on time" extension, they ask you to rescind the extension continued, and you demurred. so that you are at -- you will now have six years 17 18 So I want to find out, is there a 18 of both probationary and in rank. 19 time at which between the time you first heard a 19 So that's a technicality which I'll higher standard for "accelerated" was changed to 20 be happy to discuss in more detail, but that is 21 the same standard as "on time." 21 something that was not of concern earlier in --22 MR. DOWER: Objection; 22 while I was Dean and now is a big factor as I'm 23 Dean. form. Go ahead. 23 24 A. I've never heard that the same Q. Okay. Let -- let's go ahead and talk 25 about that. That -- that's fine. The -- and standard would be used for "accelerated" and

1 let's clarify, because it -- it can be quite

2 confusing, I think at least for me.

3 So when we're talking about going up

- 4 on time, are you going up during the sixth year
- 5 so that you would have completed five years
- 6 before?
- 7 A. So we're -- we're talk -- are we
- 8 talking specifically about the promotion from
- 9 Assistant to Associate Professor?
- 10 Q. Yes, yes, yes.
- 11 A. Okay. Great. Then yes. On-time
- 12 promotion from Assistant to Associate Professor
- 13 occurs during the sixth year, so you have
- 14 completed five years of probationary service, and
- 15 you will have completed six years at the time
- 16 that your promotion is effective on September
- 17 1st the following year.
- 18 Q. All right. So when the -- when the
- 19 Dean's evaluation comes out and has on the blanks
- 20 how many years the applicant or the candidate has
- 21 been there, does it count -- does it say "sixth"
- 22 there if it's on time?
- 23 A. Yes. Well, yes.
- 24 Q. Even though the sixth year hasn't
- 25 officially been complete?

- 1 A. Okay. So modified instructional
  - 2 duties allow a faculty member to do something
  - 3 other than teach in a classroom for a semester.
  - 4 They -- this is really done at the Departmental
  - 5 level, and they agree they will focus on
  - 6 developing notes for a new class or something.
  - 7 But it gives them one semester when
  - 8 they're not teaching. It does not impact their
  - 9 probation -- their clock -- their tenure clock.
  - 10 Requesting an extension to the
  - 11 probationary period means that a specific year
  - 12 does not count, so if -- if I -- if I had
  - 13 requested an extension to the probationary
  - 14 period, my years of probationary status would be
  - 15 one year less than my total number of years in
  - 16 rank.
  - 17 Q. Got it. And so you would also
  - 18 understand my confusion about the tenure clock
  - 19 also being attached to this issue.
  - 20 And tell me if this is correct: That
  - 21 a majority of the people that take -- or avail
  - 22 themselves of the modified instructional duty
  - 23 benefit also do a tenured clock extension
  - 24 associated with that?
  - 25 A. The majority do, yes.

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- 12
- A. All right. So that -- that sixth
- 2 year -- what they're referring to is what would3 be the years they rank at the time the promotion
- 4 becomes effective, which would be on September 1.
  - Q. Okay.

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- 6 A. So at that time the -- the candidate
- 7 would have completed six years in rank.
- 8 Q. Okay. You understand how it can be
- 9 confusing, because it's a par -- it's a paradigm
- 10 that somebody has to set?
- 11 A. I understand completely how confusing
- 12 it is, yes.
- 13 Q. All right. So now we get into the --
- 14 the modified instructional duties. And there
- 15 was -- you said that there was a -- a -- a point
- 16 in which the candidate who had -- had availed
- 17 themselves of the modified instructional duty was
- 18 told or offered the option of rescinding that
- 19 benefit?
- 20 A. So I need to clarify here.
- 21 Q. Sure.
- 22 A. There's a difference between
- 23 "modified instructional duties" and "extension of
- 24 the probationary status."
- 25 Q. Ah. Please explain.

1 Q. Okay. And what are the other reasons

- 2 why somebody asked for and can qualify for an
- 3 extension of their tenure clock besides modified
- 4 instructional duty?
- 5 A. So the -- no -- no, not -- it's --
- 6 remember, they're not the same.
- 7 Q. No, I know. But -- but if you took
- 8 modified instructional duty, would you qualify
- o findamod mondonar daty, would you qualify
- 9 for the tenure extension?
  - A. Completely separate process.
- 11 "Modified instructional duties" are negotiation
- 12 with the Department Chair about what you're going
- 13 to do -- how you -- you will enhance the
- 14 educational mission of the University for a
- 15 semester when you're not teaching.
- 16 "Extension of the probationary
- 17 period" is a form you fill out that goes to the
- 18 Provost's Office, and it will automatically be
- 19 accepted up to two times that allows you to not
- 20 count an academic year as part of your
- 21 probationary period.
- 22 Q. Without question as for the reason?
- 23 A. Well, there -- there are reasons
- 24 stated, right, is that it's the birth or adoption
- 25 of a child, a sick family member, a close parent,

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130 132 1 something like that. Q. Are there any -- I mean, we're just 2 Q. Wait. 2 talking about qualifying criteria right now. 3 A. But I think you have to specify the A. Right. 4 reason. To be honest, I don't look at the forms, 4 Q. Is there any other qualifying but those are -- I could -- I could find that for 5 criteria for extending the probationary clock? you. That form is readily available. A. Yes. If you are on a leave without 7 Q. Let me -- let me clarify. pay during an academic year, then that year does 8 Were you just answering qualifying not count towards your probationary period. for extension of the probationary clock? 9 Q. Okay. 9 10 A. Yes. A. And then in addition -- this happened 11 Q. Because you -- you listed the same 11 just last year because of COVID and the 12 things that would qualify you for the modified 12 disruption associated with COVID -- UT's system instructional duty. 13 13 allows two-week extensions of the probationary 14 A. That's correct. 14 period for modi -- because of birth or adoption 15 Q. Okay. 15 of a child. 16 16 A. That's correct. But they're two Like they will allow an additional separate -- two separate things. 17 year due to COVID -- the impact of COVID because 17 18 Q. If you qualified for the one, 18 our laboratories were shut down, a whole variety modified instructional duty, you would be 19 of reasons, so now there is a COVID extension, 19 20 also. 20 qualified for the tenure clock extension, but 21 Q. And would it be accurate, I would 21 they're two separate processes and decision-22 making? 22 assume, that you don't actually have to prove 23 A. Right. that COVID impacted you; you -- you can just say 24 it? 24 Q. Okay. Gotcha. And on the -- on the 25 extension of the tenure clock, I just wanted to 25 A. I believe the -- the way the system 131 133 1 clarify that different -- is it different from 1 rules work, you have to apply for a -- you have 2 the modified instructional duty that there -- you 2 to fill out a form to apply. 3 don't actually have to qualify for the request I personally have never seen the 4 for the extension; you can get the extension for 4 form, so I don't know what you have to say, but 5 any reason or no reason? 5 you --6 A. To get the extension? 6 Q. Right. You're not a decision-maker 7 Q. Yes. 7 on that? A. I'm not the decision-maker. 8 A. No. It -- it is for the -- in most cases that I've seen it's for the birth or Q. You don't --10 10 adoption of a child, although the policy is A. Right. So the person who -- who 11 general enough that you could also do it for it 11 wants an extension has to complete a form. to take care of a family -- close family member. 12 Q. Right. 12 13 Q. Okay. So you do have to provide a 13 A. That's all I know. 14 qualifying reason to get your tenure clock 14 Q. And the Provost's Office makes the 15 extended? 15 decision? 16 A. Right. 16 A. Correct. 17 Q. Which would also be the exact same 17 Q. All right. And the -- now back to qualifications for the modified instructional 18 the issue of rescinding the probationary clock 18 19 duty? 19 extension, that's where the rescission comes in, 20 A. Yes. 20 correct? 21 Q. Okay. Are there --21 A. That is correct; right. 22 Q. Okay. When did that -- you said that 22 A. But the -- the result is different, 23 right? 23 changed. 24 Q. I gotcha. I gotcha. 24 When did that change? 25 A. Okay. 25 A. It definitely occurred since I've

1 been Dean. I was reviewing for this -- this

- 2 meeting, and I think it happened in the '18/'19
- 3 academic year because the notes I have for '17/
- '18 indicate it's some -- a statement about,
- 5 well, if the person is not at the -- is not up-
- or-out, so they will not have completed six years
- 7 of probationary status, but they've extended --
- they've gotten an extension and it would
- otherwise be the normal time, then it's not --
- 10 you don't have to justify why it's early or
- 11 explain why it's early.
- 12 Q. Okay.

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next year.

- 13 A. And so this is where -- you know, how
- do we make this clearer? How do -- and so one 14
- 15 way to make it clearer is to say, well, if -- if
- you don't want -- if you don't want that 16
- extension, you now rescind it to formally say 17
- this year counts as part of my probationary 18
- period, and so now the years are -- are 19
- numbered -- you know, now the years are counted 20
- 21 as the candidate wants them to be counted, and
- there's no additional justification or 22
- 23 explanation for being early or accelerated.
- 24 Q. Okay. Now the -- what -- I guess I'm
- 25 trying to understand, what changed? Was it

1 before once you took a year extension, you got

was the change that there was an affirmative

point that they are approached with the opp --

communication to the faculty member at a certain

A. What changed was an opinion on the

So if a person requested an extension

to the probationary period and was going up at

successful, they could ask to be considered the

Q. Oh, so they're -- they're trying to

A. That's right. So by rescinding it,

now you're up-or-out, and you get one shot to be

their normal times, they had not rescinded it,

President's Committee that they did -- they

wanted to limit the ability of people to be

considered multiple times for promotion.

then technically they could ask to be

avoid gaming the system?

considered for promotion.

reconsidered for promote -- if it was not

2 that year extension, you're stuck with it? Or

What -- what changed?

opportunity to rescind?

- 1 maybe you're gaming the system or not, we're not
  - 2 going to say, but if you don't rescind the --
  - the -- the probationary extension, there's going

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- to be this itching question about whether or not
- you're gaming the system"?
  - A. Or the -- right. So if you --
- 7 remember we talked about being above the bar,
- 8 right?
- 9 Q. Yeah.
- 10 A. So if the expectation is higher if
- you're going up earlier, which you would be if
- 12 you had -- if you counted that extension as
- probationary, now the bar is -- you're meeting
- 14 the bar, so I think it's more -- more -- it's --
- 15 it's easier for the candidate or -- or it's more
- 16 clear for the candidate to understand there's one
- bar, right, you -- you meet the bar, and then
- you're also up-or-out, so you get one shot at
- going -- at being considered.
- Q. Yeah. You're offered a carrot and a 20
- 21 stick at the same time?
  - That is absolutely correct; right.
- 23 Q. You're given the carrot of the lower
- bar but the stick of "This is your last shot"? 24
- 25 A. Right.

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- Q. I guess the added carrot is that you
  - are confirming that you're not gaming the system?
    - A. That's right. So as you noticed,
  - this gets to be a very technical discussion,
  - right, and lots of implications, and so this is
  - why there were so many discussions with the
  - Dean's Council about it.
  - Q. Well, and -- and there are so many 8
  - unknowns, right? There is no identification of
  - how high the bar is, there is no known, "Are you
  - 11 going to meet the standard or not." It's totally
  - unwritten, totally unidentified? 12
  - 13 A. It is unwritten. It is discussed
  - publicly, as I mentioned, and then as part of 14
  - 15 the -- the normal process, right, is that the
  - Dean would meet with the -- all the Assistant
  - Professors and have conversations of "These are 17
  - the trends I'm observing. This is a change in
  - 19 pol -- this is a change. Be aware of this."
  - 20 But it's not -- there's -- there's no
  - 21 check sheet that someone has to check off, "Yes,
  - 22 I understand these changes," you're correct.
  - 23 Q. When you said "trends we're
  - observing," trends we're observing in the -- what
  - is good enough to make tenure?

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Q. So they're putting a little pressure on the candidate to, you know, "Hey, maybe --

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138 140 A. Well, the fact that one year you 1 law school, the -- the -- the way that law 2 didn't have to rescind and the next year they --2 students understand that grades are given is that 3 you're being encouraged to rescind if you want to 3 there's only a certain number of A's, and so it's 4 be considered with the same number of years in 4 the whole running away from the bear thing. 5 rank, that's a -- that's a change, and so that --I don't -- I don't have to run faster Q. But I'm talking about the trend. I'm 6 than the bear; I just have to run faster than you 7 talk -- you mentioned "trends." to get the egg, right? 8 A. Right. So I -- I -- I use that as 8 So is -- is that how tenure is 9 one of the things that changed, so the -- the granted, that when you go up for tenure it's not President's Committee, as -- as I mentioned, about how you measure up in general for all time 11 would have a debrief every year after the cycle 11 in your performance as a Professor, but it's in 12 has completed, and they would express that --12 relation to how many people are going up and what they would identify things that they thought they 13 they're like? 13 14 didn't like, they wanted to change. 14 A. No, that is not correct. 15 15 The wording that may appear in the Q. Okay. So if ten people go up and they all qualify, they all go in? There's no pot 16 guidelines might be, you know, a very simple 17 statement, but then they would elaborate on it that -- that's limited? 18 during their meetings with the Deans and 18 A. There is no pot. Department Chairs, they might have additional 19 Q. Okay. It's -- it's not a limited 20 elaboration with the Deans, and the Deans have to 20 piece of pie? make sure that this information is conveyed to 21 A. Correct, it is not limited. 22 the -- to the Department Chairs, and then the 22 Q. Okay. 23 Department Chairs convey that to the faculty A. I think since I've been Dean on the 24 members. 24 order of 90 percent of the people have been 25 Q. I appreciate that, but I'm -- I'm 25 promoted. 139 141 1 still -- I'm trying to get specifically at the Q. Okay. And there have been times 2 point of the candidate when making the decision 2 where every applicant that went up was promoted? 3 about rescinding or not, they don't know how high A. I would have to check my records. I 4 the bar is really in either situation. 4 honestly don't remember. I mean, there -- there 5 They don't really know, because have been eight years, and I -- I cannot remember 6 there's no specific defined criteria, a each year, but... measurable criteria that needs to be met on each 7 I -- I believe that's the case, but I of the areas to make tenure on time or to make would have to check to confirm that. 8 tenure at the higher bar accelerated Q. Okay. In either way -- in either 10 consideration, correct? 10 instance, what you're saying is it is possible. 11 A. So I -- I'm going to talk -- tell you Whether it happens or not is another question 12 the advantages of not having specific metrics. 12 entirely depending upon the candidates and their Q. Well, wait, wait. Please answer my 13 13 records? question and then you can explain the advantages. 14 14 A. That is correct. It is possible that 15 A. Okay. The -- the --15 every person would be promoted, correct. 16 Q. Do you agree with what I said? 16 Q. Okay. All right. And I understand 17 A. The Cockrell School does not have a 17 that the questions I'm asking you about this written policy that says, "To be promoted in the process may be the exact same testimony that you would give me as UT from the Dean and the Tenure normal time you need to achieve "X" and lists a 19 20 whole series of things," that is correct. and Promotion Committee perspective, but you also 21 Q. Okay. And also, there's no written have personal knowledge of the specific questions

I'm asking.

So I'm asking you these, and I -- I'm

MR. NOTZON: Well, let's

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23

25

24 not --

higher bar metric that needs to be met, correct?

Q. Okav. And is it also the case.

and -- and I -- I'll -- I'll make a reference to

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23

24

A. Correct.

142 1 go off the record real quick. A. That should have been at the 2 THE COURT REPORTER: Yes, Department level. 3 we're going off the record at 12:21 Q. Okay. And was there -- well, is 4 there currently a deadline within which you need 5 to rescind your probationary extension? (Lunch recess from 12:21 p.m. to 1:23 p.m.) 6 THE COURT REPORTER: Okay. A. I believe the standard deadline in 7 We're going on the record at 1:23 the Provost's Office is February, however, they have been letting us do it any time before early 8 9 May. 9 BY MR. NOTZON: 10 10 Q. Okay. Dean Wood, back from lunch. So there -- the reason is, you want 11 We were talking about the changes 11 to have it done before requests for letters are 12 that had been occurring in rescinding the 12 sent out to external reviewers. Q. Okay. So when you say "February," 13 probationary extension, and I believe you said 13 that that change had occurred, and you said 14 it's got -- it's February of the fifth year? 14 15 something like the -- the academic year '18/'19. 15 A. Correct. 16 Q. And if it's early, February of the 16 Is that -- what do you recall about when the re -- the changes to the rescission of year before you're considered? 17 17 probation were occurring and -- and how that 18 A. That's correct. 18 19 Okay. Is -- is that deadline still 19 played out? in place? 20 A. So I remember having multiple 20 A. So I -- it's my understanding the 21 discussions while Provost Mc -- while Maurie 21 Provost's Office is flexible with the deadline, 22 McInnis was our Provost. 23 I looked at the -- the summary sheet and as long as we do it some -- in May, that that is sufficient notification to them --24 that I prepared for the Promotion and Tenure

Committee in '17/'18 and then again in '18/'19, 25 Q. Okay.

1 and the wording was different, and so I believe 2 it must have occurred in between -- in -- in that '17/'18 academic year, but I don't actually --4 that -- I -- that -- that is -- that is the basis 5 of my assumption there. Q. Do you know if Dr. Nikolova was informed or told that she was given the option of rescinding her probationary extension? A. I honestly do not know if she was 10 told, however, in one of the -- in one of the 11 rebuttals that she wrote, she had a comment in 12 there, and I'm paraphrasing here, about "I was told that extending my probationary period would 13 not count against me because I could always 14

16 So that implied to me that she at; least knew that she could have rescinded it. 17 Q. Well, knowing you can rescind it and 18

being offered the opportunity to do it as part of 19

20 a process are two different things, correct?

21 A. I -- I agree with you, and I do not

22 know. I would like to hope that she was offered

it, but I do not know. 23

rescind it.'

15

24 Q. Okav. Who would have offered it to

25 her?

143 145

A. -- to rescind it. 1

Q. And is that in writing?

A. I don't know. I've seen

correspondence from Jerry to candidates, but I

have not checked that myself. I would have to

6 check that.

7 Carmen Shockley would be a very good

person to ask that question to in the Provost's

9 Office.

10 Q. And what's her position?

11 A. I'm sorry?

12 Q. What's her position?

13 A. She is in the Provost's Office, and

she's an Assistant Vice President. So she's in

15 the -- she is a staff member who oversees the

faculty evaluation process. 17

Q. Do you recall -- well, let me ask a

question on the -- specifically related to Dr.

19 Nikolova

20 If she would have rescinded her

21 probationary extension, she would have still been

at 5.5, correct?

23 MR. DOWER: Objection;

24

25

A. If she had rescinded, she would have

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1 still had five and a half years in rank, however, 1 A. In the Department, correct.

- 2 UT's system says that half years don't count
- 3 toward fulfilling the probationary period, so it
- 4 would have been five years of probationary
- 5 service.
- 6 BY MR. NOTZON:
- 7 Q. So she still would have been, quote/
- unquote, "early" based upon UT time? 8
- 9 A. Yes.
- Q. And would that mean that she would 10
- 11 still be subject to the higher bar on all areas?
- 12 A. Yes. However, verbally the President
- 13 had told -- had informed us that the -- the
- 14 earlier the person is, the more difference they
- expect between the normal and where the can --
- 16 each candidate is.
- 17 Q. Okay. And when you say "us," you're
- 18 talking about Deans?
- 19 A. Deans. And I -- I do not remember
- 20 exactly -- I don't remember explicitly if that
- was discussed with the Department Chairs also,
- 22 however, this is something that I would have
- 23 discussed with the Department Chairs.
- 24 Q. Okay. And do you know if Dr.
- 25 Nikolova was told that it would be a doubly high

- 2 Q. Okay. And did you -- other than
- 3 reviewing the files, one of which would have been

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- 4 Dr. Nikolova's, did you have any conversations
- with anybody from the Department?
- A. Well, we met with -- Jerry and I met
- with the Department Chair to discuss the cases.
  - Q. Okay. And that would be Professor
- 9 Tewfik?

8

13

- 10 A. That's correct.
- 11 Q. And am I pronouncing his name
- 12 correctly?
  - A. I don't believe that I pronounce his
- 14 name correctly.
- 15 Q. Okay.
- 16 A. I've never quite gotten the Egyptian
- 17 pronunciation down.
- Q. Okay. I see it's spelled and I want
- to say "Tewfik," but that would be doubly
- 20 incorrect?
- 21 A. Well, that's how -- I call it -- I
- 22 called him Ahmed Tewfik, but I don't believe that
- is actually -- I think that's the English version
- of it, his last name.
- 25 I don't believe that's how it would

1 bar if she didn't rescind?

- 2 MR. DOWER: Objection;
- 3 form.
- 4 A. I do not know what Dr. Nikolova was
- 5 told because that would have been the Department
- 6 Chair talking with her.
- 7 BY MR. NOTZON:
- 8 Q. Okay. You have no information from
- anyone that they had told her?
- 10 A. I have no information.
- 11 Q. Okay. When did you first learn that
- 12 Dr. Nikolova was wanting to go up in the 2018/
- 13 2019 year?
- 14 A. So in February of -- February/March
- timeframe of 2018, each of the Department Chairs 15
- was asked to provide summary information about
- candidates who were being considered for 17
- 18 promotion in their Departments.
- 19 At this point in time Jerry and I
- 20 both did a very quick informal review of the
- 21 files, then met with the Department Chair and
- shared any concerns, but the decision to move
- 23 forward with the case is based on a vote of the
- 24 Budget Council.
- 25 Q. The -- in the Department?

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- 1 be pronounced in Egypt.
  - Q. Okay. And so when you met with
  - 3 Professor Tewfik, it was just you or you and Dr.
  - 4 Speitel -- Speitel?
  - A. It would have been the three of us,
  - 6 Ahmed, Jerry, and me.
  - 7 Q. And do you recall your communication
  - 8 to Chair Tewfik about Dr. Nikolova's proposed
  - candidacy?
  - 10 A. I do not have -- I -- I have no
  - 11 recollection of exactly what I said and I don't
  - 12 have any notes based on that conversation,
  - 13 however. I'm sure that we had a conversation
  - 14 about the higher bar and higher expectations for
  - any early promotion case. 15
  - 16 Q. Did you discuss her total years
  - 17 counting A&M?
  - 18 A. That's part of the -- the information
  - 19 that is submitted for review includes that
  - 20 information. She would have submitted a CV at
  - 21 the time, so it would have those years.
  - 22 Q. Okay. Was there any discussion that
  - 23 you recall about the ameliorating effect of
  - 24 actually having enough time as an Assistant

25 Professor if she went up in the '18/'19 year?

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A. I -- I think those are all things

- 2 that were considered. That's all part of the
- 3 process, right.

1

- 4 Q. Do you recall if you provided any
- constructive criticism about what she could do 5
- based upon your initial review to make her
- 7 application more likely to succeed?
  - A. So at that time there was very little
- 9 that a candidate can do because this is February
- 10 and they -- they start preparing documents in the
- 11 May or June timeframe.
- 12 I think the discussion would have
- 13 been with Ahmed that any -- if this case is to
- move forward, we have to be able to -- to explain 14
- 15 why the early -- the case is moving forward now.
- Q. Okay. So you -- you don't think you 16
- would have said, "Publish another couple of 17
- papers," "Get -- get better teaching scores this 18

Q. No, I'm saying in general, just those

- semester," you know, anything like that? 19
- A. I don't know if she was teaching that 20
- 21 semester. I don't remember the details.
- 23 kinds of things.

22

1

- 24 A. I mean, I think that would be part of
- 25 the review process. I -- I just had a review

- BY MR. NOTZON:
  - Q. So if there are risks -- if -- so if
  - there are -- if there are risks that you
  - identify, they know that they might want to
  - strengthen those areas if they can?
  - - A. Yes, or -- so I'm going to quote --
  - I'm going to paraphrase what I infer from the
  - President's Committee, and that is every case has

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- some flat spots, but if you can identify the flat
- spots and put them in context, that will help the
- Committee make their final -- make their final
- 12 recommendations to the President, and if you
- 13 sweep something under the rug and don't address
- 14 it, that will be -- that will not be in the best
- 15 interests of the candidate.
- 16 So in some ways this is
- 17 counterintuitive because a lot of times people
- only want to talk about the positives, so it's
- important to address both the strengths and
- 20 weaknesses of the case.
- 21 And I think that's part of this
- 22 process is to identify, okay, these might be
- potential weaknesses, now we don't have the full
- dossier at this time, we have very slimline
- information, these are potential weaknesses.

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- yesterday with the Department Chair.
- 2 I rarely comment on -- I don't think
- I've ever commented on -- well, I'd say I rarely 3
- comment on the actual number of papers. 4
- 5 We certainly have been looking at --
- at teaching, looking at research funding, but at
- 7 that point there is very little a faculty member
- can do. 8
- 9 What -- the discussion with the
- Department is how high a risk is it to move 10
- 11 forward.
- Q. But you don't --12
- 13 A. But as I say, my comments are -- my
- comments are advisory because it is the decision 14
- of the Budget Council when they want to put a 15
- 16 candidate forward.
- 17 Q. Right. Do you frequently or not
- provide constructive criticism about the 18
- application packet and its contents? 19
- 20 MR. DOWER: Objection;
- 21 form.
- A. As I mentioned, I -- what I try to do 22
- is identify what I see as risks of the case so
- that the Department can put together the best --
- the strongest case possible for the candidate.

1 Make sure you address them in the case.

- And it's more the Budget Council and
- the Department Chair rather than the candidate
- because the candidate has complied most -- you
- know, there's -- there isn't a lot of time for
- 6 the candidate to make significant changes at this
- 7 point.
- 8 Q. Do you -- in talking to the Chair, do
- you indicate positive, negative, neutral chances
- 10 for the candidate that you're discussing?
- 11 A. Well, I -- I would identify -- I
- would say, "I think this is a high risk and I 12
- 13 would recommend it not moving forward." or I
- would say, "I think this is a slam dunk." Those 14
- 15 are the types of things that I would say.
- 16 Q. Okay. So you wouldn't -- you don't
- have a policy of -- of uniformly providing a 17
- neutral, flat, no response kind of thing for that
- 19 auestion?
- 20 A. I usually will give, as I indicated,
- a level of risk do I think this will raise any
- flags at the President's Committee based on my
- previous experience with the President's
- Committee, just based on a -- on a review of a
- portion of the dossier.

154 156 Q. And your -- your experience with the 1 recall any particular statement you made about 2 President's Committee is in large part based upon 2 Dr. Nikolova's proposed candidacy in the Spring 3 the prior candidates that have gone up; is that 3 of 2018; is that correct? 4 correct? A. So I know that we have been having 5 A. That is correct; right. 5 problems with the teaching evaluation scores from 6 Q. Okay. So at -- at that point in -classes, undergraduate classes, especially, in in the 2018/2019 -- going into the 2018/2019 7 ECE, so I'm sure I said something about, "We're year, you have been the Dean for three years? going to have address the teaching evaluations," 9 Four years? Yeah, four years at that point? but that would probably be the extent of it. A. So I -- I talked with the President's Q. And when you say "we were having 10 problems," you're talking about Dr. Nikolova's 11 Committee as Interim, so that'd be '13, '14, '15, 11 12 '16, '17. 12 scores particularly? 13 Q. So five? 13 A. No. There had been several cases 14 A. I would have had five interactions 14 in -- in the two years before Dr. Nikolova's case 15 with the Committee at that time. 15 was considered where the President's Committee 16 Q. Okay. But you -- you've got a pretty 16 had had a lot of questions about the -- the 17 good feel at that point? course evaluation scores themselves and were 18 A. Right. concerned that -- about the -- the teaching 19 Q. And at -- at that point were your --19 within the Department. 20 20 your experiences, the -- your observations of the In -- in one case, Dr. Tewfik had to Presidents and the President's Committee's review accompany me to discuss the situation with the 22 of candidates from the School of Engineering, 22 President's Committee. 23 were you feeling com -- comfortable with your, 23 Q. Did those concerns at the President's quote/unquote, predictions or reading the tea 24 Committee about ECE undergraduate teaching scores leaves, as it were? 25 result in any candidate being denied promotion 155 157 A. Well, it's very difficult because I 1 prior to the '18/'19 year --2 don't have the entire case, so I'm --MR. DOWER: Objection; Q. I'm not -- let -- let me -- let me 3 form. 4 clarify. I'm not talk -- I'm -- I'm not talking 4 BY MR. NOTZON: 5 at this point by -- about what you said or didn't Q. -- while you were the Dean? 6 say to the -- to Chair Tewfik in March or April A. So I'm -- I am struggling because we 7 of -- of 2018 as -- as much as when you talk did have a denial of promotion in ECE the year before Dr. Nikolova's case was considered. 8 about expectations and your viewing a file, do you feel like at five years you've felt like you I believe it was for a different have a -- a good and consistent expectation of 10 reason. I don't remember that individual's 10 11 how the applications or the candidates are 11 teaching scores. 12 considered above you? 12 I know that we had a facu -- a 13 A. I can share with the -- the 13 Professor -- a candidate from Associate to full 14 Department Chairs my observations from the 14 who there were a lot of questions about that Committee things that the Committee have been individual's teaching scores when the promotion 15 asking me in oral conversation about some case was considered, but it was approved. candidates, but it -- it is still a very 17 Q. Would it be accurate that you didn't 17 preliminary feeling just because I haven't done a 18 tell Chair Tewfik about Nikolova, that she 18 19 shouldn't go up in the Spring of 2018? 19 thorough review of the case. 20 So it really is a highlighting to the 20 MR. DOWER: Objection; 21 Department Chair what potential issues could be 21 22 A. I have no recollection, however, I -so that they can think about them and then have 23 I have no recollection of exactly what I told 23 the Budget Council think about them before 24 making -- taking a vote. 25 25 Q. Okay. And -- and again, you don't I -- but I do -- at that time, as I

- 1 mentioned, I was only giving advice, so it is
- 2 not -- it was not my decision whether a candidate
- 3 should move forward, so I would not have said,
- 4 "Do not put this case up." I would have simply
- 5 talked about the risks of putting the case up.
- 6 Since then, the President's Committee
- 7 has given -- has told the Deans, "You do have the
- 8 authority to stop a case if it's not up-or-out."
- 9 But at that time, we -- I did not
- 10 have that authority or I didn't believe I had
- 11 that authority, so I only would have given
- 12 highlighted risks of the case moving before
- 13 because it was not my decision. I was only
- 14 serving in an advisory role at that point.
- 15 Q. So that's a new authority that you
- 16 didn't know you had? At least you didn't know
- 17 you had it before if you had it.
- 18 You -- you obtained this authority
- 19 from the President's Office since the 2018/2019
- 20 year?
- 21 A. Right. That would have been conveyed
- 22 to us during a Dean's Council meeting. I
- 23 mentioned we had numerous discussions and --
- 24 Q. Would that be documented?
- 25 A. No. There are no -- there are no

- A. Well, there was a member of the --
- 2 from EC -- a faculty member from ECE on the
- 3 Promotion and tenure Committee, so if we can
- 4 exclude any conversation with the Promotion and
- 5 Tenure Committee...
- BY MR. NOTZON:
- 7 Q. Yes.
  - A. I believe that I sent some questions
- 9 back just to clarify the case, which some would
- 10 have been addressed to the Department Chair and
- 11 some would have been addressed to Dr. Nikolova,
- 12 but I did not have any oral conversations once I
- 13 received the full package, no, and that is
- 14 because our policy is that this review is based
- 15 on the written documentation in the package.
- 16 Q. Okay. So there's a process that's --
- 17 that's provided that if there are questions, that
- 18 they can be resolved in writing?
- 19 A. That is correct.
  - Q. And that's because if it's in
- 21 writing, then everybody knows what happened and
- 22 nobody can be accused of putting -- again,
- 23 putting his finger on the scale one way or the
- 24 other?

20

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25 A. Yes. So it -- it's transparent.

1 Minutes from those meetings.

- Q. Okav. And that would have been after
- 3 Dr. Nikolova's candidacy was denied?
- 4 A. I'm not sure -- I'm not sure when
- 5 exactly it happened. I think it was after her
- 6 case was considered.
- 7 I don't -- you know, the final
- 8 decision -- it happened between when she
- 9 submitted it and when the final decision was
- 10 made. I don't know exactly where it was in that
- 11 timeframe.
- 12 Q. Okay. Was there ever a point where
- 13 vou didn't believe she should go -- Dr. Nikolova
- 14 should go up for tenure prior to you considering
- 15 her candidate -- candidacy package?
- 16 A. No. I -- I made my decision when I
- 17 reviewed the complete -- during my review of the
- 18 complete package.
- 19 Q. Okay. Did you have any conversations
- 20 with anyone in ECE about Dr. Nikolova's
- 21 application after the package came to you for --
- 22 you and the Tenure and Promotion Committee for
- 23 consideration?
- 24 MR. DOWER: Objection;
- 25 form.

1 All -- all of that goes through Jerry's office,

- 2 so I'm not the person asking.
- 3 So when the candidate or the
- 4 Department Chair gets the questions, they don't
- 5 know if it's coming from the Promotion and Tenure
- 6 Committee or from me, and then they respond in
- 7 writing, and then the -- the case is updated --
- 8 Q. Okay.
- 9 A. -- with that information.
- 10 Q. So for Dr. Nikolova, you recall
- 11 providing questions to be -- follow-up questions
- 12 to her -- her application?
- 13 A. I recall at least one, yes.
- 14 Q. Okay. Do you recall if the Tenure
- 15 and Promotion Committee submitted any additional
- 16 questions to your questions?
- 17 A. I don't know because I would not be
- 18 informed of their questions.
- 19 Q. Okay. They can do it independent of
- 20 you?
- 21 A. That's correct.
- 22 Q. Is the Tenure and Promotion Committee
- 23 informed of your additional question?
- A. So what would happen is the staff
- 25 member in Jerry's office, her name is Sonya

Appx.0713

162 164 1 Shaffer, would alert them that we had gotten some 1 about her teaching? 2 new information and a portion of the document had 2 A. Well, the dossier includes data, it 3 been updated. 3 includes a numerical summary, it includes all of 4 Q. Okay. So after the fact, after 4 the peer eval -- written peer evaluations, it 5 includes a Budget Council statement, and it 5 getting that response back from --A. That's right. After the response, includes the candidate's statement. but in a very short timeframe because we don't 7 So after reading all those, I have a whole lot of time to review these honestly don't remember if I had additional 9 documents. questions. I -- I don't remember. 10 10 Q. Right. It's a long process, right. But there's a lot of information to 11 Okay. So by the same token, you're 11 read about teaching 12 not informed if there's anything new in the 12 Q. Yes. And is there any -- do you know package from the Tenure and Promotion Committee 13 if there's any record of you meeting with Chair 13 14 asking questions? 14 Tewfik about any changes to the rescinding of the 15 A. I don't necessarily see their probationary extension? questions. If something is updated, I'll be told 16 A. I remember sending an email to Sonya 16 17 it's updated. Shaffer, the admin in Jerry's office, to ask, 18 Q. Right. So if it's updated, you would "Did Dr. Nikolova rescind," and I was told she 19 understand where it came from? 19 didn't. 20 A. Well, it would either come from me or 20 That is all I ever -- I did not 21 from them. They're the only people -- that's the have -- I -- that is -- that is the extent of my 22 only two groups that can ask questions at this 22 23 point, so if I didn't ask it, it comes from them. 23 Q. Okay. So would that be -- because Q. Right. Okay. All right. I -- I was 24 I'm -- I'm asking about not the results of the 24 25 just trying to get there through your testimony, 25 communication. I'm asking you about do you 163 165 1 but you didn't seem to want to --1 recall if there's any communication between you A. I'm sorry. 2 and Chair Tewfik about the change in the process 3 Q. -- volunteer that you actually would 3 of -eventually learn of their questions, so... All 4 A. Oh, I'm sorry. right. I could have probably done that a little Q. -- telling candidates that took a 6 more artfully, so ... probationary extension that they should consider 7 And -- and do you remember what your rescinding for the reasons we talked earlier? question was? 8 A. We would have discussed that at a 8 A. I remember asking a question about a Department Chairs meeting. journal paper that -- I remember now two 10 10 We would have discussed that at a 11 questions. 11 Department Chairs meeting. I don't know if that 12 12 was in -- I don't know if that's in our One was about a journal paper, was it 13 actually in print, and another was, there was a 13 auidelines or not. Ph.D. student listed with an expected graduation 14 14 Q. And you would presume that Chair 15 date, and I asked did they actually graduate. 15 Tewfik would have had that conversation with all 16 Q. Oh, okay. That was the one from the 16 the candidates that had taken a probationary Fall of 2018, the Ph.D.? 17 extension, but you don't know whether or not that 17 18 A. Yes. Or I -- I believe the person 18 occurred? 19 A. Correct. graduated in the summer, so there was an August 19 2018 graduation date, and this -- on the CV it 20 Q. Okay. 21 was listed as anticipate -- "expected in," --21 A. I do not know if it occurred. 22 22 Q. Right. Q. Right. 23 A. -- and I wanted to see if that had 23 Was Dr. Nikolova the only candidate 24 happened or not. 24 from ECE that had taken a probationary extension 25 Q. Okay. And so you didn't ask anything 25 that year, you know, that go -- that went up for

168 166 1 tenure consideration in '18/'19? 1 change in practice? 2 A. So I know that Mohit Tiwari was also 2 A. So remember I -- I talked about 3 up for -- he was in his up-or-out year. He did flat -- cases having flat spots? not have an extension. I don't remember if there 4 Q. Yes. were other Assistant Professors from ECE. I'm 5 A. So if a person is being considered at 5 6 sorry, I don't remember. the normal time for promotion and there is a -- a 7 And -- and on many of these 7 weakness, a flat spot, and there could be a wide questions, I'd be happy to check my files and variety of them, then that's considered perfectly 8 answer, but I know that's not part of this 9 normal and that -- that doesn't necessarily --10 deposition, so... that -- that would not lead to a negative 11 Q. Okay. You're not restricted from 11 decision. 12 that. If you want to, you're welcome to, but 12 But if the case is early, the 13 that's up to you. 13 expectation is that we don't have the flat spots, 14 MR. DOWER: Dean, we --14 that we have -- that would be -- would be above 15 we've produced spreadsheets that the "meeting expectations" in each area, and, to 16 have this information on it. 16 be honest, the -- the well for "meeting 17 It's up to you whether you expectations" is -- is based on a holistic review 18 want to do that, but I believe 18 of the candidate. 19 we've produced this information. 19 And I believe that's very important THE WITNESS: I put 20 20 because there are many different domains within 21 this in a box folder that I asked Engineering, and it would be inappropriate to 22 our team to check with you. I 22 judge someone outside their own domain. 23 just checked the file. 23 So even within ECE, for example, we 24 There were only two Assistant have electrical engineers who have backgrounds in 25 Professors considered that year, 25 physics. They publish only in journals, whereas 167 169 and, as I mentioned, Mohit Tiwari 1 the people who are in software engineering are 1 2 did not have an extension. publishing only in conferences. So where people choose to publish

3 BY MR. NOTZON:

4 Q. Okay. From ECE?

5 A. From ECE, that's correct; right.

6 Q. And Provost McInnis, do you remember

what her years of being the Provost were?

A. Yes. So I told you I started in 2013

and then Greg was -- was Provost until the Spring

of 2015, then Judy Langlois was the Provost for 10

11 an interim year, so that would have been the

'15 -- so that means Dr. McInnis started in '16. 12

13 Q. Okav. '16/'17?

A. Yes. 14

8

15 Q. Okay. And when did she stop?

A. She resigned last spring, so he would 16

17 have -- she would have still been here for the

Fall of 2020. 18

So I believe four years that she 19

20 served on the President's Committee.

21 Q. So when you were saying that there

22 were changes to how high the bar would be in

tenure promotion cases considerations, given that 23

24 there is no specified height of the bar for any

of the areas, what does that mean that it would

depends on what they -- their expertise and what

the expectations in their domain are.

6 So Dr. Nik -- Nikolova's a little in

the middle. She had some journal publications,

but primarily conference publications.

Q. And that -- that factual distinction

and the uniqueness of the -- the area of the 10

11 Professor would -- could translate to all of the

12 criteria, correct?

13 Like for instance, funding, some

14 researchers require greater amounts of money

15 because of the nature of their research, lab work

or fieldwork or you name it, with things that

would cost more money than people that are doing

18 theoretical work, would you agree?

19 A. That is -- experimental work is going

to cost much more than computational, theoretical

work because you -- you need supplies, you need

to -- maybe you're in -- you need mice, right, to

23 do biomedical research.

So absolutely there is a huge

variation in the level of funding needed to

170 172 1 sustain a research program. 1 department where a faculty member commented that 2 Q. And -- and the sources of that 2 she was teaching while -- and she had just had a 3 funding and what may be impacting those sources 3 baby. The baby wasn't sleeping well, it was an at any particular time. 4 8:00 o'clock class, and she just wasn't sleeping Also, like we were talking about the 5 5 enough, and therefore, that allowed to put that 6 teaching evaluation scores, the -- whether or not semester in context that that -- it -- it made it's a required undergraduate course or an 7 sense why the teaching evaluations were lower. elective graduate course, the median scores vary 8 Q. And either -- either the candidate 9 greatly? will put that in their statement or the Budget 10 A. They do. For the specialty graduate 10 Committee or the peer reviewers will put that in 11 courses that tend to be small, that's where 11 their statement, but if -- if the -- if the file 12 faculty members tend to get -- in general, get 12 has that context for you, then -- and -- or -- or their highest teaching evaluations, and then in a 13 you might already know those things as you're 13 14 lower division, large undergraduate class, and 14 reviewing, that there's a context here that 15 especially a required class, would tend to be the 15 should be considered, like that it's an 16 lowest, that's correct. undergraduate required class with, you know, 17 Q. And you want to take into account three times, four times more students than 18 things like that as well as something that might another undergraduate class? 19 be going on just contextually for each of the 19 MR. DOWER: Objection; 20 20 individual candidates? form A. That is correct. So one of the 21 A. So the size of the class, where it is 21 22 things in particular with teaching evaluations is 22 in the curriculum is all part of the 23 to look at the trend of the teaching evaluations 23 documentation. in individual classes. 24 24 The -- the tabular forms include 25 So the first time that a faculty 25 the -- the course number and name and also the --171 173 1 member teaches a class, it might be -- the 1 the number of students registered. 2 students might say it's disorganized because I believe the Budget Council and also 3 they're just developing their notes, but then by 3 the candidate are asked to address directly if 4 the second or third time they're teaching a these are required classes, to provide that 5 class, you would expect you wouldn't see those context. So that information is readily known. 6 comments and you would see that the faculty 6 If the individual has another member is more comfortable presenting the 7 situation -- as I mentioned the -- the individual who had been -- the newborn child and the child material, knows where the students are, and you'd 8 see an upward trend in the teaching evaluations. wasn't sleeping well, that is not generally known 10 Q. And that's your -- that's considering 10 by the Budget Council or it doesn't come out in 11 that nothing else is going on? 11 factual data, which is why it's part of the --12 A. That is correct; right. 12 the candidate list it as one of the factors -- the 13 Q. But for the -- that's taking into 13 candidate should include in their statement if account the relevant issues that might be 14 there are other things they want us to consider. 14 happening, which is you don't see any difference 15 Q. And so back to the early high bar 15 between the teacher teaching that semester versus 16 issues, if someone is going up, quote/unquote, a passage of time and experience to get to the --"technically early," and you understand 17 18 the next level? 18 "technically early" means that they have prior 19 A. Right. So that's why specifically in 19 time as a -- a faculty member in another the Cockrell School guidelines that are given to university, added onto the time at UT which meets 21 the faculty member to write their teaching or exceeds the sixth year, that would be statement, they're asked to identify any other "technically earned"? 22 23 23 factors that could influence -- could have MR. DOWER: Objection; 24 influenced their teaching. 24 25 25 I'm reminded of a case in another A. The UT system rules state that prior

1 service at another university does not count

- 2 in -- as time in rank at UT -- at a UT system
- 3 institution.
- 4 BY MR. NOTZON:
- 5 Q. Yeah, I'm not asking that. I
- 6 understand that. I'm just trying to get a -- a
- 7 definition of "technically early," meaning that
- 8 there have been multiple Professors or faculty
- 9 members that have gone up for tenure in the
- 10 School of Engineering since you've been Dean that
- 11 meet or exceed six years when you put the two
- 12 experiences together, correct?
- 13 A. That is correct.
- 14 Q. But they have not six years or
- 15 they -- they won't have had six years at the time
- 16 they would go up?
- 17 A. That is correct.
- 18 Q. Okay. I've seen it referred to as
- 19 "technically early." Is that not a term that
- 20 you're familiar with?
- 21 A. I don't think it was a formal
- 22 definition, but we -- we probably did use it at
- 23 some point, yes.
- 24 Q. Okay. And when -- with Dr. Nikolova
- 25 in the '18/'19 year when she went up, if you

- 1 the six and a half?
  - 2 A. Well, no. Remember I told you that

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- 3 if you start in the middle of a year, it -- UT
- 4 system policy says it doesn't count?
- 5 Q. Right.

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- A. So that -- that year, the '13/'14
- 7 academic year, it didn't count toward her
- 8 probationary service at UT Austin because --
- 9 unlike the University of Illinois where I had the
- 10 choice of counting that year or not counting it,
- 11 UT Austin -- UT's system policy does not give the
- 12 candidate the ability to make that decision.
  - Q. So UT system would say six?
- 14 A. I'm sorry?
  - Q. UT system would say six would be the
- 16 number, not 6.5?
- 17 A. Correct.
  - Q. Okay. But isn't it true that some
- 19 candidates have gone up and instead of being on
- 20 time "technically early," if you count both
- 21 periods of time, even with the UT system rule of
- 22 not counting half years, six or more years as an
- 23 Assistant Professor at rank, as -- as it's
- 24 called?
- 25 There are several candidates that

.

- 1 counted -- even with the probationary extension,
- 2 is -- is it your understanding that she still did
- 3 not have the time of the full -- she wouldn't
- 4 have had the full six years counting both the A&M
- 5 and the UT time?
- 6 A. I believe she would have had six
- 7 years because she was considered two years early
- 8 at UT and she taught two and a half years at
- 9 Texas A&M.
- 10 Q. Okay. So she would have met the --
- 11 the "technically early" definition? Or would she
- 12 really have only been at five -- I -- I think
- 13 we -- we covered this. She would have been at
- 14 the 5.5, right?
- 15 A. May I con -- if I could consult --
- 16 Q. Yeah, please do.
- 17 A. Okay. (Witness reviews documents.)
- 18 Q. No, I think you're right. She would
- 19 have been at 6.5?
- 20 A. I believe that's correct; right.
- 21 And -- and I said she "...will have served a
- 22 total of eight years in rank as Assistant
- 23 Professor (two and a half years at Texas A&M and
- 24 five and a half years at UT Austin)."
- 25 Q. Minus the extension year gets you to

1 have gone up with less than that, correct? So

- 2 technically earlier, both prior to the six years
- 3 at UT, but also not having enough to make six
- 4 years when you combine them both?
  - A. Yes, I -- I am thinking of at least
- 6 one case where that was true, yes.
- 7 Q. So would that mean that the bar would
- 8 be triply high?
- 9 MR. DOWER: Objection;
- 10 form.
- 11 A. So no. The -- the height of
- 12 the bar is based on the years of UT service is my
- 13 understanding.
- 14 BY MR. NOTZON:
- 15 Q. Okay. So if somebody's three years
- 16 early, that's triply high?
- 17 A. That would be a high bar, but I -- I
- 18 have -- have mentioned before that the
- 19 President's Committee was changing their mind
- 20 about some of these things during this period.
- 21 Q. And if it's four years early, that's
- 22 quadruply high?
- 23 MR. DOWER: Objection;
- 24 form
- 25 A. What I remember being told is that if

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	178	١,	and a star October and a star dead and the trans	180
1	it's more than one year early using UT's		evaluation. So let's go ahead and pull that up.	
2	policies, the bar is higher. I do not there	2	(Exhibit 2 marked for identification.)	
3	was no discussion of how high.	3	BY MR. NOTZON:	
4	As you have mentioned before, because	4	Q. I'm going to put it in the chat.	
5	this is a this is domain specific, and I think	5	MR. DOWER: Robert, is	
6	the what the President's Committee was telling	6	this we've been going for about	
7	us was urging caution in moving cases forward too	7	an hour. If we're transitioning to	
8	early.	8	a new topic, could we take our	
9	They had they had seen trends they	9	customary like five-minute break?	
10	weren't happy with, and I would say those trends	10	MR. NOTZON: Sure. Let	
11	were across the entire University, and they	11	me let me go ahead and put it	
12	wanted us to to make changes.	12	up there	
13	BY MR. NOTZON:	13	MR. DOWER: Sure. That	
14	Q. You said the trends were across the	14	way we can download it.	
15	University?	15	MR. NOTZON: so you	
16	A. Well, when they were I only know	16	have it. Okay. This will be	
17	the trends that are	17	Exhibit 2.	
18	Q. But it's your I mean, that you	18	BY MR. NOTZON:	
19	said that.	19	Q. Okay. And then Dean Wood, let me	
20	A. Yes, I did say that, yes.	20	know that you've got it and then we'll take a	
21	Q. Okay. And how would you know that?	21	break.	
22	A. Because they discussed it with all	22	A. I have it. You're right, it went	
23	the Deans and not just with me.	23	much faster the second time. Thank you.	
24	Q. But you wouldn't have the details	24	MR. NOTZON: Okay. All	
25	associated with those situations?	25	right. See you in a bit.	
	179			181
1		1	THE WITNESS: Okay.	181
1 2	A. I do not, no.	1 2	THE WITNESS: Okay. Thanks.	181
	<ul><li>A. I do not, no.</li><li>Q. So when I asked how would you know</li></ul>		•	181
2	<ul><li>A. I do not, no.</li><li>Q. So when I asked how would you know</li><li>that there's a trend, you wouldn't know what</li></ul>	2	Thanks. THE COURT REPORTER: We're	181
3	A. I do not, no.  Q. So when I asked how would you know that there's a trend, you wouldn't know what the what the actual trend was because you	2	Thanks.  THE COURT REPORTER: We're going off we're going off the	181
3 4	A. I do not, no.  Q. So when I asked how would you know that there's a trend, you wouldn't know what the what the actual trend was because you wouldn't have the details of those specific	2 3 4	Thanks.  THE COURT REPORTER: We're going off we're going off the record at 2:16 p.m.	181
2 3 4 5	A. I do not, no. Q. So when I asked how would you know that there's a trend, you wouldn't know what the what the actual trend was because you wouldn't have the details of those specific candidacies, correct?	2 3 4 5	Thanks.  THE COURT REPORTER: We're going off we're going off the record at 2:16 p.m.  (Recess held from 2:16 p.m. to 2:27 p.m.)	181
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1 no indication that -- well, there was no

- 2 indication that -- that a modified instructional
- 3 duty was taken, but if -- if a -- if a
- 4 probationary extension was taken and then
- 5 rescinded, it wouldn't show on the tenure
- 6 decision sheet, correct?
- 7 A. It would not show, that's correct.
- 8 Q. Okay
- 9 A. If you would like -- if -- if you
- 10 would like me to check after the meeting, I can
- 11 look at the official files and see if he did.
- 12 I'd be happy to check on that if you'd like.
- 13 Just let -- let Ben know.
- 14 Q. Would that be in your Dean's
- 15 evaluation of his tenure application?
- 16 A. No.
- 17 Q. Because he would have rescinded?
- 18 A. That's correct.
- 19 Q. And he would have rescinded the
- 20 February or May, whenever --
- 21 A. In the Spring before the case was
- 22 considered, right.
- 23 Q. Okay.
- 24 A. If -- if that were the case. I do
- 25 not know if he had a -- if he requested an

- 1 because their years of probationary service are
  - 2 less than six, they could be considered again the
  - 3 next year, and that's why they want people to
  - 4 rescind so it's an official up-or-out case.
  - Q. Okay. And -- and so is it the case
  - 6 that Dr. Nikolova was the only non-up-or-out case
  - 7 that has gone up?
    - A. In what period of time?
  - 9 Q. From 2018/2019 to the present.
  - 10 MR. DOWER: Objection;
  - 11 form.

8

- 12 A. I would have to check my records.
- 13 BY MR. NOTZON:
- 14 Q. Okay. The -- the change has happened
- 15 since then, correct? This -- this desire to only
- 16 go up the one time has happened as a result of
- 17 Dr. Nikolova's case?
- 18 A. No, it was discussed at least -- I
- 19 believe it was discussed before a decision was
- 20 made on her case. I don't remember if it was --
- 21 when it was in that year, but I believe --
- 22 because it -- it would have happened before her
- 23 case was considered.
- 24 Q. Well, then why does she get another
- 25 chance. If the whole purpose of making the

- 1 extension.
- 2 Q. It wouldn't be in the packet? That's
- 3 the whole --
- A. That's correct.
- 5 Q. That's the whole point of making the
- 6 deadline.
- 7 A. Right.
- 8 Q. And -- and -- and the -- the real
- 9 purpose of the deadline is so that everybody else
- 10 doesn't go through -- well, if you rescind or
- 11 not, you're still going up for tenure?
- 12 A. You are, that's correct.
- 13 Q. So that won't -- that won't change
- 14 all of that. It won't change -- it won't --
- 15 because I think you initially had said that you
- 16 want that to happen before the request for
- 17 letters go out, but the request for letters would
- 18 go out anyway, the letters would be written
- 19 regardless of whether there was a grace or an
- 20 extension or whether or not UT considers it early
- 21 or on time, correct?
- 22 A. Well, I -- I think I -- I mentioned
- 23 this earlier, the President's Committee wanted
- 24 people to only get one chance to be considered
- 25 for promotion, so if they don't rescind, then

- 1 change was to only have one time, then she would
  - 2 have been informed of that decision had it been
  - 3 made prior to her decision, so it must not have
  - 4 been made prior to a decision or she got treated
  - 5 different, correct?
  - 6 MR. DOWER: Objection;
  - 7 form.
  - 8 A. She was not treated differently. If
  - 9 she had rescinded, she would have had five years
  - 10 of probationary service, which would still not
  - 11 have been up-or-out.
  - 12 BY MR. NOTZON:
  - 13 Q. It would still have her going up
  - 14 twice?
  - 15 A. Right. But the -- they -- they
  - 16 didn't want -- I'm actually -- Dr. Nikolova's
  - 17 case doesn't -- is not necessarily what they were
  - 18 trying to prevent.
  - 19 The -- before, they said -- their
  - 20 statement said that if the reason why the
  - 21 candidate has accumulated less than six years of
  - 22 probationary service, it's because they had an
  - 23 extension to the probationary period, and they're
  - 24 going up at the time they normally would have
  - 5 been considered before -- if they had not

186 188 1 extended it, then you don't have to explain. 1 MR. DOWER: Objection; 2 That's a very longwinded way of 2 form. 3 saying -- an easier way of saying rescind and A. I don't think "threat" would be an 4 then you're up-or-out and then we don't have to 4 appropriate word, and I think there is a -- a 5 explain it. 5 spreadsheet --6 So if you don't want to use your --BY MR. NOTZON: if you don't want to use -- if you want to count 7 Q. Would it be accurate, though? that year that was originally designated as A. I don't believe it's -- I think 9 probationary -- non-probationary status, rescind there's a spreadsheet that was "Possible it, and then we just count years in rank, they're Decisions," and it's amongst the possible 11 the same as probationary years in rank, and 11 decisions. 12 it's -- it would be -- it will be easier for the 12 I don't want to get into the -- I -recordkeeping. 13 13 I don't write the policy, and so I really don't 14 So you'll -- you'll notice on this want to have to defend the policy. 15 cover sheet that you just sent me, it lists 15 Q. Okay. Then it's a stick? "Total Times at UT Austin," "Total Years In 16 MR. DOWER: Objection; 16 Rank," and then "Number of Years in Probationary 17 18 Status," so they're actually counting that 18 A. I would not -- I -- I'm sorry. I 19 separately. can't characterize the intent of the policy. It 20 Q. Got it. is one of the many options available to the 21 A. In some of the earlier --21 President's Committee. 22 Q. But I don't understand the idea of 22 BY MR. NOTZON: 23 when the decision was made that we're going to 23 Q. Okay. Earlier we talked about 24 carrots and sticks and you agreed with me. Now promote a one-time only going up for -- for 25 tenure promotion and the decision is to rescind 25 you won't. 187 189 1 or not rescind and -- but that doesn't stop MR. DOWER: Objection; 1 2 someone from going up where even if they rescind, form. 3 they're [sic] still get a second bite at the 3 BY MR. NOTZON: 4 apple. 4 Q. Is that accurate? 5 MR. DOWER: Same 5 A. So I -- I think we are -- we're 6 talking about slightly different things. So I 6 objection. 7 agree with what you just said. 7 A. I believe -- I believe it's accurate. 8 If someone has accumulated fewer than 8 Maybe I'm getting tired, Sir. I'm sorry. six years of probationary status and they are 9 BY MR. NOTZON: Q. Okay. Do you know if Dr. Nikolova considered for promotion, UT policy would still 10 10 11 allow them to be considered multiple times, 11 was told that she was under the possibility of 12 however, the Commit -- the President's Committee 12 having a negative result of being told that she 13 has the option of saying, "Do not promote," as was up-or-out after going up in '18/'19 if she 14 didn't rescind? 14 they did with Dr. Nikolova, or they could say 15 "Terminal appointment pending," which would not 15 MR. DOWER: Objection; give the candidate the chance to go up again. 16 And so they did not do that with Dr. Nikolova. 17 17 A. I'm sorry. I don't understand the 18 Q. Have they done that --18 question. 19 BY MR. NOTZON: 19 A. They said "Do not promote." 20 Q. Have they done that with anybody? Q. You just said that one of the options 21 A. Not to -- I don't -- not within my 21 the President has in reviewing a tenure know -- my direct knowledge. 22 application is to say -- regardless of whether or 22 23 Q. Is that just a threat that the 23 not they've used up their full six years of President's Office now uses to try to motivate 24 probationary time at UT, that the President candidates to rescind? 25 could, in response to the application for tenure,

1 say, "Ah, sorry. No pro -- no tenure and you

- 2 don't get any more chances," correct?
- 3 A. No, that is pub -- that's a published
- 4 policy on the Provost's website. I do not know
- 5 if Dr. Nikolova read the policy.
- Q. When was that policy published?
- 7 A. It's update -- the Pro -- the
- 8 Provost's Office maintains policies every year.
- 9 They update -- keep them updated. I --
- 10 Q. Was that policy published and
- 11 available to Dr. Nikolova in the Spring of 2018
- 12 when she had to have withdrawn or rescinded her
- 13 probationary extension to not be potentially
- 14 penalized with an up-or-out decision when she was
- 15 not in an up-or-out year?
- 16 MR. DOWER: Objection;
- 17 form.
- 18 A. I'm sorry. I -- I don't agree with
- 19 how you're phrasing the question because Dr.
- 20 Nikolova was not in an up-or-out year as she was
- 21 when -- when her case was considered or if she
- 22 had rescinded she would not have been up-or-out.
- 23 BY MR. NOTZON:
- 24 Q. Right. But you said that the
- 25 possibility when she goes up for tenure, even

1 clarification?

- 2 A. I thought I told you --
  - MR. DOWER: Objection;
- 4 form.

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13

- 5 A. -- that I asked if the paper had been
- 6 published and if the Ph.D. student had graduated.

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- 7 Those are the two I remember. I don't remember
- 8 if there were others.
- 9 BY MR. NOTZON:
  - Q. Oh, I'm -- I'm sorry. I -- thank you
- 11 for reminding me. I'm getting tired.
- 12 A. Yes.
  - Q. And -- and is it -- what if the
- 14 student had not graduated? Would that have been
- 15 a deal-breaker?
- 16 MR. DOWER: Objection;
- 17 form.
- 18 A. It's -- the case is evaluated on a
- 19 holistic basis. I told you there are strengths
- 20 and weaknesses that would have been -- that has
- 21 the potential to -- that is considered as a
- 22 weakness, but it is not -- it is not a deal-
- 23 breaker.
- 24 We have had a few cases go through
- 25 without that.

1 though she's not in her up-or-out year, was that

- 2 the President could say. "This was your last --
- 2 the President could say, "This was your last --
- 3 your one and only chance, and you're gone; you're
- 4 up-or-out"?
- 5 A. That is a longstanding policy
- 6 that's -- that's posted on the President's -- on
- 7 the Provost's website.
- 8 Q. So for Dr. Nikolova it's your
- 9 testimony that should have been aware because
- 10 that policy was published and pre-existed Dr.
- 11 Nikolova applying for tenure or -- or that policy
- 12 was published prior to the Spring of 2018?
- A. That policy has not changed since
- 14 I've been Dean, yes, sir.
- 15 Q. Okay. And -- but by the same token,
- 16 you're not aware of the President's Office ever
- 17 enforcing that policy and, in denying tenure,
- 18 taking the chance away from a second opportunity
- 19 if they weren't in their up-or-out year; is that
- 20 right?
- 21 A. I am not aware of that option ever
- 22 being used, that's correct.
- 23 Q. Okay, okay. And before we move on,
- 24 were you able to recall what the question is that
- 5 you sent down to Dr. Nikolova when you had a

- 1 BY MR. NOTZON:
  - 2 Q. Okay. One of the proverbial "flat
  - 3 spots"?
  - A. That's correct.
  - 5 Q. Okay. And just like the bar being
  - 6 high to clear or the bar being wherever the bar
  - 7 is to clear, being unknown and a moving target, a
  - 8 flat spot is also a moving target?
  - 9 MR. DOWER: Objection;
  - 10 form.
  - 11 A. So I mentioned that each case is
  - 12 evaluated on holistic review based on the
  - 13 individual's dom -- area of expertise, and so
  - 14 the -- the expectation is that all faculty will
  - 15 supervise and graduate -- and mentor graduate
  - 16 students.
  - 17 So have -- having a graduate student
  - 18 graduate is one of the common expectations for a
  - 19 promotion case, however, there are certain
- 20 circumstances where there may be extenuating --
- 21 extenuating circumstances where it might not be
- 22 possible.
- 23 And so that falls into the category
- 24 of the candidate would have to describe it, the
- 25 Budget Council would need to evaluate it, and it

194 196 1 would need to be explained so that it could be 1 provided you? 2 put in context with the President's Committee. 2 A. Right, so I developed a list and then 3 BY MR. NOTZON: they responded to my list, that's correct. Q. And that -- that answered those for Q. Oh, your bullet points to them were 5 every flat spot? topics you wanted to hear from them on? A. Yes, it does; right. A. That's correct. 7 Q. And so I -- I also take it your 7 Q. And are those responses from that answer of -- of not -- not graduate -- having a committee, are they part of the packet? 9 A. No, they are not. student that you're mentoring not graduate is an 10 Q. Why not? undeniable flat spot because it's a binary you 11 either graduated or you didn't graduate? 11 A. All that's required to be in the --12 A. Right. That's right. 12 in the doc -- in the University documentation, 13 Q. And graduating is what you're after, all that is required is a vote of the Promotion getting them through. Okay. 14 and Tenure Committee, and so that's what's 15 The flat spot gets more subjective 15 recorded on that cover sheet. when you talk about, let's say, funding, how much 16 16 The -- the Dean's letter is also 17 funding is enough funding, that kind of thing? required and the Dean's vote are required, so 18 A. Yes. this is the Dean's assessment and that's --19 Q. Okay. All right. Let's go ahead and 19 that's what it is. 20 20 However, if -- if the Committee and I look at your assessment of Dr. Nikolova. 21 Did you write this assessment start disagree, which in this case we did, I'm under 22 the obligation to document where the Committee to finish? 23 A. Start to finish, no. 23 and I disagreed and why. Q. And we jut have to take your word for 24 Q. Did you start it? 24 25 A. I'm sorry. I'm hes -- I'm hesitating 25 195 197 1 because --MR. DOWER: Objection; 1 Q. Let me just ask you -- let me just 2 ask you: How did this get written? A. Those -- those are the guidelines --4 A. Yeah, thank you. That's a much 4 those are the rules that's written in the UT 5 better way. 5 Promotion and Tenure Guidelines, yes. 6 So actually I'm going to change my 6 BY MR. NOTZON: answer. When I first started as Dean the College 7 Q. Okay. So that whatever written Promotion and Tenure Committee would write a 8 record that justified the -- the Committee's draft of the letter and then I would edit it. and vote, there is no written record provided like there is in the Budget Committee? 10 I found that that actually took more time than me 10 11 just writing the letter from the beginning. 11 A. That's correct. That's -- that's in 12 So I was trying to remember the year 12 accordance with UT guidelines, however, that 13 in which I asked the Committee to change from document was shared with your -- your team, so drafting the letter to addressing specific 14 you have those -- you have those bullet points. 14 15 points. 15 Q. Oh, we do have those bullet points? 16 And so the year that Dr. Nikolova's 16 A. Yes, you do. case was considered was the first year that the 17 17 Q. And your bullet points and their Committee did not draft the letter, but they -- I 18 responses or just your bullet points? had a series of bullet points on each item that 19 A. Both. 19 20 they addressed. 20 Q. Okay. 21 So in this case, I -- I was A. So I think I posted on the box incorrect, I did start -- I did write this from 22 folder. Hold on just a second. I posted on the 23 start to finish myself. 23 box folder the Promotion Checklist which is my 24 Q. Okay, okay. So the list of bullet bullet point -- no. sorry. 25 points is what the Tenure and Promotion Committee The -- let me find it. Evaluation

200 198 1 template. So let me -- I think I can also upload 1 Q. Uh-huh. 2 that file. Okay. Just a minute. Let me do it a 2 A. -- who is the Administrative 3 different way. It may be easier. 3 Assistant in Jerry Speitel's office. 4 MR. NOTZON: And Ben, 4 Q. Yeah. 5 is this one of the documents we 5 A. She is the staff support for the 6 recently received? 6 Cockrell School's Promotion and Tenure Committee. 7 MR. DOWER: Yes. 7 And when -- when I met with the Promotion and 8 THE WITNESS: The --Tenure Committee, they gave me a hard copy. 9 9 MR. DOWER: This -- this I misplaced the hard copy and so I 10 would have been one of the ones 10 asked Sonya to send me an electronic version so I 11 that we provided recently. would have it. And that correspondence is 12 THE WITNESS: This week. 12 amongst the number of pages that you have that 13 MR. DOWER: Yeah. 13 you got from the legal team. 14 MR. NOTZON: Of -- of 14 Q. Okay. So -- so we -- the -- the 15 the unnumbered ones? 15 Tenure and Promotion Committee's responses to your bullet points here on Exhibit 3 are a 16 THE WITNESS: Right. 17 MR. DOWER: Yes. 17 separate document? 18 MR. NOTZON: Okay. 18 A. Yes. And they are already in your 19 MR. DOWER: I believe 19 possession. 20 Q. Okay. And I -- I -- you -- you don't 20 this one went all the way -- let me just see. What -- what did she know the Bates number of that document? 21 21 22 upload? Her evaluation tem -- I 22 A. I could provide it at a later time if 23 believe we provided these on --23 you would like. 24 what is today? I'm losing track. 24 (Exhibit 3 marked for identification.) 25 I believe we provided you BY MR. NOTZON: 199 201 with these on Tuesday. Q. Okay. All right. So the Committee 1 MR. NOTZON: Oh. we --2 voted unanimously for her -- for Dr. Nikolova's 3 I don't need to know the date. promotion to tenure, correct? 4 I -- I know -- I remember --A. That is correct. 5 THE WITNESS: And then 5 Q. Did their responses to your bullet 6 the -- the legal team provided me points correspond with that unanimous support? 7 with some of the files they had A. Yes. I -- I believe they talked 8 previously sent you. about the teaching being a potential weakness as 9 I did review all those, and they were asked to iden -- identify strengths and 10 I saw there was an email from me weaknesses, --10 11 to Sonya Shaffer that said, "I've 11 Q. Okay. misplaced the Promotion 12 A. -- but I would have to look at 12 13 Committee's comments, and, Dr. 13 that -- that directly, yes. 14 Nikolova, will you please send it 14 Q. Do you know, when -- when you were --15 to me?" 15 when the Tenure and Promotion Committee was 16 She sent me the file, and the meeting to discuss Dr. Nikolova's case, you were 17 file was attached to that email. present; is that correct? 17 18 So that -- I've seen it in the 18 A. No. 19 past week as I've been preparing 19 Q. Okav. 20 for the deposition. I don't know 20 A. Oh, oh, I'm sorry. When they were meeting to discuss her case? No. 21 the number, however. 21 22 Q. Okay. 22 BY MR. NOTZON: Q. And you're saying Dr. Nikolova 23 A. Once they had reached a conclusion, 23

then I did meet with them and they presented

their conclusion -- their recommendation to me.

24

25

provided that to you?

A. No. I wrote to Sonya Shaffer --

	202			204
1	Q. Okay.	1	then to identify key points that I want to	
2	A. But I was not there when they were	2	discuss.	
3	when they were developing their own conclusions.	3	Q. Okay. That said, their summary was	
4	Q. Okay. And when you said when they	4	still in support of her promotion?	
5	conveyed their recommendation to you, was that	5	A. That's correct. And that's reported	
6	recommendation just the result of the vote, or	6	on the cover sheet. And it also is stated	
7	was it responses to your bullet points here on	7	it's stated in my "Overall Assessment" is "As	
8	Exhibit 3?	8	noted previously, the Promotion and Tenure	
9	A. No, I I mentioned that they gave	9	Committee strongly supported Dr. Nikolova's case"	
10	me a hard copy of their response to my bullet	10	and it was reported	
11	points.	11	Q. When when you read from a	
12	Q. Yeah, but	12	document,	
13	A. They would do that for every faculty	13	A. I'm sorry.	
14	member, and then they would also tell me they're	14	Q the the court reporter has to	
15	voting as as we continued the discussion.	15	still take down every word,	
16	Q. Okay. So but when you met with	16	A. I apologize. So I'm on the last	
17	them, they were conveying the result of the vote	17	paragraph of Page 3.	
18	as well as the written document responses to your	18	THE COURT REPORTER: Thank	
19	bullet points at the same time?	19	you.	
20	A. So what happens is I could ask them	20	A. "As noted previously"	
21	questions because I've done an independent	21	BY MR. NOTZON:	
22	review, and I could ask, "Did you consider this?	22	Q. You don't have to reread it, I'm sure	
23	How did this factor into your opinion?"	23	she got you, she's real good,	
24	So normally they take a preliminary	24	A. Okay.	
25	vote before they meet with me, and then they do	25	Q but don't make it go for her too	
	203			205
1	203 their final vote afterwards to make sure that	1	long.	205
1 2	their final vote afterwards to make sure that	1 2	S	205
2	their final vote afterwards to make sure that everyone has heard all the discussion, yeah.	2	A. Last paragraph of Page 3.	205
2	their final vote afterwards to make sure that everyone has heard all the discussion, yeah.  Q. And you recall is is it your		<ul><li>A. Last paragraph of Page 3.</li><li>Q. Okay. All right. Let's go ahead and</li></ul>	205
2	their final vote afterwards to make sure that everyone has heard all the discussion, yeah. Q. And you recall is is it your testimony that you recall the Committee conveying	2	A. Last paragraph of Page 3.     Q. Okay. All right. Let's go ahead and go to your assessment.	205
2 3 4 5	their final vote afterwards to make sure that everyone has heard all the discussion, yeah.  Q. And you recall is is it your	2 3 4 5	A. Last paragraph of Page 3.     Q. Okay. All right. Let's go ahead and go to your assessment.     Do you think you're going to be able	205
2 3 4 5	their final vote afterwards to make sure that everyone has heard all the discussion, yeah.  Q. And you recall is is it your testimony that you recall the Committee conveying to you verbally that they had an issue with her	2 3 4 5	A. Last paragraph of Page 3.     Q. Okay. All right. Let's go ahead and go to your assessment.	205
2 3 4 5 6	their final vote afterwards to make sure that everyone has heard all the discussion, yeah.  Q. And you recall is is it your testimony that you recall the Committee conveying to you verbally that they had an issue with her teaching?	2 3 4 5 6	A. Last paragraph of Page 3. Q. Okay. All right. Let's go ahead and go to your assessment. Do you think you're going to be able to identify the pieces of your evaluation in	205
2 3 4 5 6 7	their final vote afterwards to make sure that everyone has heard all the discussion, yeah.  Q. And you recall is is it your testimony that you recall the Committee conveying to you verbally that they had an issue with her teaching?  A. I believe it's amongst the I	2 3 4 5 6 7	A. Last paragraph of Page 3. Q. Okay. All right. Let's go ahead and go to your assessment. Do you think you're going to be able to identify the pieces of your evaluation in Exhibit 2 that you cribbed from the Committee and	205
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1 and also what's in the Budget Council's

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- 2 Statement.
- 3 Q. Yes.
- 4 A. They -- there's an impact after for
- 5 the journal she published in. I would have
- relied on their statements there. I would not --
- 7 yeah.
- 8 Q. You'd either rely on the -- well,
- 9 okay. Let me -- let me phrase it this way:
- 10 Did -- other than what the Committee gave you,
- the Tenure and Promotion Committee -- am I saying
- 12 it wrong? It's "P&T," not "T&P"?
- A. It's P&T, right. 13
- 14 Q. Okay. Do you say "P&T"?
- 15 A. I do say "P&T."
- Q. Okay. At least you're abbreviating 16
- something. Okay. I like shortening it. So P&T. 17
- 18 If the P&T Committee gave you this
- summary, did you look at anything else to write 19
- your evaluation, or did you rely on what the P&T 20
- 21 Committee gave you?
- A. I read every part of the entire 22
- 23 dossier.
- 24 Q. Okay. So when they're summarizing
- 25 down to three pages, they're doing that for your

1 an early promotion case, I had a long discussion

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- 2 with them about what -- where the bar should be
- for an early case, and I believe they felt, and I
- think I stated this, that the Budget Coun -- I'm
- 5 sorry.
- 6 I'm on Page 1, second paragraph, "The
- 7 Budget Council in the Department of Electrical
- and Computer Engineering felt that her total time
- in rank was" submiss -- "sufficient to warrant
- consideration for promotion this year.
- 11 "The" coll -- the Cockrell School's
- 12 Promotion and Tenure Committee agreed with this
- 13 assessment.'
- 14 So that was our fundamental
- 15 disconnect is that I have -- had sat in on five
- 16 or six, however many, of the President Committee
- meetings where they had talked about how years
- should be counted, how probationary service
- needed to be counted, and the Committee said,
- "Well, then that was indeed why I included the 20
- 21 little chart in my statement."
- 22 They said, "Well, if you look, her
- total time in rank is about -- is -- that's how
- 24 much time someone should spend in rank."
- 25 And they found that to be compelling,

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- 1 benefit, but you don't have to rely on it?
- 2 A. Correct.
- 3 Q. And you don't rely on that?
- A. I use it to make -- to see if there
- 5 are things -- make sure I haven't missed
- 6 something that they point out.
- Q. Was there anything -- well, do you
- ever rely the three-page summary only when you 8
- write your evaluation?
- A. No, I do not. I -- I am required by 10
- 11 the guidelines to do an independent
- evaluation, --12
- 13 Q. Okav.
- 14 A. -- and I read every document --
- every -- all parts of every document. 15
- 16 Q. Do you follow up with the P&T
- 17 Committee to ask them questions about why they
- didn't say X, Y, or Z in their summary to you? 18
- A. Yeah, sometimes I question -- I 19
- 20 question why they've taken a -- why I had a
- 21 different opinion than they have, that's correct.
- 22 Q. In Dr. Nikolova's case, do you
- remember what questioning you did of the P&T 23
- 24
- 25 A. Yes. I asked them -- because this is

- 1 but they were not present at all of the meetings
  - I've discussed with you, nor did they attend --
  - do they attend the briefings with the President's
  - Committee and the Department Chairs.
  - 5 So I think that was the fundamental
  - 6 disconnect with this case.
  - Q. And this need to explain the early --
  - the accelerated consideration, that had been --
  - that had been the norm for the whole time you'd
  - been a Dean, correct? 10
  - 11 A. It had, but I -- I told you that the
  - President was -- the President's Committee was I 12
  - 13 think clarifying their intent in more detail, and
  - 14 in the past in the Cockrell School this case -- a
  - 15 case with this number of years in rank, we would
  - have said, "Well, this is technically --
  - technically more than the total time -- normal
  - time in rank," and we would not have had as much
  - 19 additional scrutiny.
  - 20 Q. Is it your testimony that this year,
  - the 2018/2019 year, was the year that things
  - changed to become more heightened in the scrutiny
  - 23 of accelerated consideration?
  - A. It is my testimony that -- well.
  - exactly what's occurring in this year, it could

210 212 1 have possibly occurred in the previous year, but 1 of that is consistent with what the President's 2 I -- I know that we were -- in the time -- it was 2 Committee had been telling us, both in -- in 3 in the timeframe when Greg Fenves was President, 3 meetings with the Deans and in public when they 4 Maurie McInnis was Provost, and Dan Jaffe was --4 had their Deans and Department Chairs briefings. 5 was Vice President for Research that these -- the Q. Despite the fact that you have no 6 policies began to gel, and they spent more time 6 knowledge that Dr. Nikolova understands that two 7 talking with us about reclarifying what is an years early means an even higher bar? early case versus what is not an early case -- or 8 MR. DOWER: Objection; 9 9 accelerated cases versus a normal time, so... form. 10 10 Q. What is or -- what is and is not A. I honestly could not -- I do -- I 11 accelerated and what will the consequences of 11 have not spoken directly with Dr. Nikolova, 12 that accelerated consideration be? therefore, I have no direct knowledge of what she 13 A. Right. So --13 knows or does not know. 14 Q. Can you tell us if those new policies 14 BY MR. NOTZON: 15 and procedures were implemented this particular 15 Q. You do know that there is nothing in year, 2018/2019, for the first time? 16 16 writing that says two years early is even a 17 MR. DOWER: Objection; 17 higher bar than one year early? 18 18 A. I do know that, yes. form 19 A. So I -- I believe that to be the 19 Q. And you do know that there's nothing case, because in my summary I said, "If this were 20 in writing that says three years early is even 20 an up-or-out case, I would likely agree with the 21 higher than that, correct? 21 22 recommendation of the Promotion and Tenure 22 A. I agree we have no written policy. 23 Committee. 23 Q. Do you also agree that there are 24 Q. What does that have to do with the 24 people that have gone up for tenure that are more 25 timing of the new policy being implemented in 25 than two years early that have flatter spots than 211 213 1 this year? I don't -- I don't see the connection 1 Dr. Nikolova? MR. DOWER: Objection; 3 3 A. Okay. That's a very good question. form. 4 I had never used that -- that type of wording 4 A. I agree that there are some people 5 before, and I -- this is -- in my mind, what this 5 who went up more early. Using this current statement is saying is that there is a clear definition, you have flat spots, yes. 7 distinction between the -- the up-or-out case or 7 BY MR. NOTZON: 8 the higher bar required for early promotion. 8 Q. Flatter than Dr. Nikolova? 9 So I -- I -- I write the letter A. I would not be able to make that essentially to the President's Committee, and 10 assessment without doing a complete review of all 10 11 that's what I'm trying to -- that's my intent 11 the cases, which I have not done. 12 12 Q. Okay. Did you review Dr. Nikolova's 13 And I -- I apologize, this is Page 4 13 rebuttals and appeals to your decision --[sic], the first paragraph, that if it were an 14 14 up-or-out case, right, we know there are some 15 Q. -- in your -- not your decision, but 15 16 flat spots. 16 your evaluation? 17 17 A. Right; my recommendation. I did, I'm not saying I would agree, but I'm saying the chance -- that there's a greater 18 yes. likelihood I would agree with the Promotion and 19 Q. And did you not see her arguments 19 20 Tenure Committee, but because I understand --20 that she had higher performance measures and 21 because the next sentence says, "However, Dr. 21 metrics in the several criteria areas than the Nikolova is being considered for promotion at UT 22 people that had been given tenure in the years 23 prior? 23 Austin two years early." 24 So to me that's saying, "Wait. It's A. So as -- as I told you, we don't do two years early, so we have a higher bar." All 25 that sort of comparison because the domains are

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- 1 so different.
- 2 I believe that her comparison was
- 3 actually -- I had no impart, so she -- she wrote
- 4 a response to my letter, and then she also had
- 5 a -- wrote to the President and to CCAFR, the
- 6 Committee of Counsel on Academic Freedom and
- 7 Responsibility.
- 8 Although I read that information, I
- 9 have no input into those decisions, so I -- I
- 10 do -- I do not believe that one can compare
- 11 across different domains.
- 12 I can tell you, though, that some
- 13 cases that were promoted were early promotions --
- 14 accelerated promotions that happened before Dr.
- 15 Nikolova's case had flat spots. I agree with
- 16 that assessment.
- 17 Q. You're saying you can't compare
- 18 across domains, but that's, in fact, what you
- 19 did, didn't you, when you're evaluating her and
- 20 her teaching scores?
- 21 A. So I'd like to call your attention to
- 22 Exhibit 3, which is what I've put up.
- 23 So you'll see there's Item No. 1
- 24 there. And this is related to teaching, and
- 25 there are five bullet points.

- 1 asked the Promotion and Tenure Committee to look
- 2 at, and only one is a numerical ranking.
- 3 Q. Did your evaluation of Dr. Nikolova
- 4 cover all five of those bullet points?
- 5 A. It did.
  - Q. Did it accurately document Dr.
- 7 Nikolova's responses -- I mean, Dr. Nikolova's
- 8 responses on those five bullet points?
- 9 A. I did not -- I did not include in my
- 10 statement comments about the peer reviewers, for
- 11 example, and I know this is something that Dr.
- 12 Nikolova commented on, because the peer reviewers
- 13 were quite -- quite complimentary of her
- 14 teaching.
- 15 Q. Effusive, nonetheless?
- 16 A. Yes. Amongst the President's
- 17 Committee, it is actually almost -- it is a
- 18 comment they bring up often is that there is this
- 19 fundamental disconnect between the peer reviewers
- 20 and the students because it's very rare that a
- 21 peer reviewer has constructive feedback for the
- 22 faculty member.
- 23 As a matter of fact, the Electrical
- 24 and Computer Engineering Department changed their
- 25 policies to try to have more reflection in

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- 1 The first bullet point is related to
- 2 CIS rankings, and you'll notice that there is
- 3 something there about what types of course, it's
- 4 "required, undergraduate, undergraduate
- 5 elective."
- 6 The second bullet point -- bullet
- 7 point addresses student comments.
- 8 The third bullet point, it says, "Did
- 9 the faculty member" actually -- "accurately
- 10 capture the primary concerns raised by the
- 11 students in their teaching statement?
- 12 "Did they implement changes to
- 13 address the concerns? Was the faculty member
- 14 successful in improving their teaching in rank?"
- 15 "Did the Department" -- the fourth is
- 16 did the Department provide mentoring? "Did the
- 17 peer reviewers address any of the same concerns
- 18 raised by the students? Did the peer reviewers
- 19 provide substantive feedback to the faculty
- 20 member?"
- 21 And then "Is there anything notable
- 22 in the faculty member's development as a teacher
- 23 that should be highlighted," (as read).
- 24 So in the discussion of teaching,
- 25 there are five points that I had specifically

- 1 both -- by both the candidate and the peer
  - 2 reviewers to provide more assistance to a
  - 3 candidate.
  - 4 Q. Doctor -- I mean, Dean Wood, let me
  - 5 ask you some questions about your evaluation
  - 6 under "Teaching" of Dr. Nikolova.
  - 7 You referred to her having a
  - 8 "downward trend" when she had one outlier score
  - 9 of the four, and all the other three were within
  - 10 one -- point one-tenth of a point of each other,
- 11 correct?
- 12 A. I agree with your assessment, yes.
- 13 Q. And she was teaching two large
- 14 classes in the same semester when she got that
- 15 outlier score, correct?
- 16 A. Yes.
- 17 Q. And she was pregnant during that
- 18 semester, correct?
- 19 A. I did -- I did not know that at the
- 20 time that I wrote my statement.
- 21 Q. Regardless if you knew that or not,
- 22 there was one outlier score in a semester where
- 23 she's teaching two large classes of a required
- 24 undergraduate class that is purported and known
- 25 to be one of the more difficult required courses

218 220 1 in the college that she -- that Dr. Nikolova was 1 was one of the hardest," that I also made other 2 complimented for stepping up to the plate and 2 statements about that course being two large 3 taking on that responsibility for the Department, 3 required courses, which are also known to be 4 correct? sources of downward scores, correct? 5 MR. DOWER: Objection; 5 MR. DOWER: Objection; 6 form. 6 form. 7 A. So I -- I -- I disagree with several 7 A. So if one -- if a faculty member was of the comments you just made. 8 teaching the same class, then -- and the trend 9 BY MR. NOTZON: is -- is going up, that indicates that they're 10 Q. Tell me which ones, because I'm getting better in the class, and that is an 11 quoting from those peer reviews. But go ahead. indication that they're becoming more familiar 12 A. Okay. So the faculty will often 12 with -- with the class. 13 MR. NOTZON: Object; 13 claim, and within any Department, that a given 14 class is the hardest one in the curriculum. 14 nonresponsive. 15 That is probably the most frequent 15 A. They're also understanding student 16 comment that I see when I read all these 16 expectations, so --17 promotion dossiers. 17 BY MR. NOTZON: 18 Q. I didn't say "hardest." 18 Q. This is nonresponsive. 19 A. Greg Iverson --19 A. -- by comparing her trends in the 20 Q. I didn't say "hardest." 20 class, I'm not comparing her with -- I -- I first 21 MR. DOWER: I'm going did a comparison with other people, and now I'm 22 to -- I'm going to ask that you 22 looking at her alone. 23 let the witness finish the answer, 23 She's teaching a large class but 24 please. 24 she's taught it now three or four times and it 25 MR. NOTZON: Sure. 25 has remained flat or slightly downward. 219 221 A. One of the members of the President's MR. NOTZON: Object as 2 Committee is Brent Iverson, who teaches Organic 2 nonresponsive. 3 Chemistry, and so he has specifically said that 3 BY MR. NOTZON: 4 he does not found the technical content of the 4 Q. My -- my -- my question is class to be a mitigating circumstance because 5 specifically about all the components that 6 he's teaching Organic Chemistry to 500 people at 6 affected Dr. Nikolova in that one semester 7 a time. teaching two of the four data points, where one 8 So what the President's Committee 8 of them is exactly the same as the prior one, the likes to see is that there is -- regardless of other one is point two-tenths -- point two points where the faculty member starts in the class, but away, so not a horribly low score comparatively, 10 as they teach the class more frequently and they 11 and she's teaching both of them at the same time become more familiar with the background of the 12 with large student populations. 12 13 students and also with the expectations, that 13 And you say she didn't know she there will be an increase in the course 14 was -- you didn't know she was pregnant at the 14 15 evaluations. time. You know, be that as it may, those other 16 So I agree with you, I was -- I 16 mitigating factors are still there and you know should have said a -- "has remained flat" rather 17 that. 17 than, I'll -- I'll say, "have fallen," but there 18 So -- but you don't mention any of certainly was not an upward trend in her 19 that. You don't provide any explanation or 19 teaching, which is -- normally occurs when a discussion that there's anything other than "She 21 faculty member teaches a class in their third or should have gotten a higher score; she should fourth time. have an upward trend," period, without discussing 22 23 BY MR. NOTZON: 23 any of these factors, correct? 24 Q. And you would agree with me that your 24 MR. DOWER: Objection; 25 response was quibbling with -- when I said "It form.

1 A. I did not discuss other factors,

- 2 however, the President's Committee does read the
- 3 case, the size of the class -- the class size is
- 4 documented in several tables, so that would have
- 5 been very obvious to them, too.
- 6 BY MR. NOTZON:
- 7 Q. But you didn't attempt to explain
- 8 that flat spot, did you?
- 9 A. I did not attempt to -- to describe
- 10 that, no -- explain that, no.
- 11 Q. Is -- you -- you criticize her
- 12 for the Teaching Assistant comment that she wrote
- 13 in her teaching assessment which she was quoting
- 14 the students complaining about the Teaching
- 15 Assistant's scoring and assignments.
- 16 Did -- did you also -- why didn't you
- 17 question her as part of your questioning as to
- 18 what she meant by what the Teaching Assistants
- 19 were being asked to do and not do?
- 20 MR. DOWER: Objection;
- 21 form.
- 22 A. So Dr. Nikolova wrote a statement
- 23 that specifically addressed her teaching. She
- 24 was asked to reflect on the teaching, make
- 25 comments about how the -- the students' comments

- 1 directly to the Teaching Assistants, and in all
  - 2 of my reading of teaching statements amongst
  - 3 everyone who's been promoted in the Cockrell
  - 3 everyone who s been promoted in the Cockre
  - 4 School up to this time, this was -- this was, I
  - 5 thought, the most direct deflection of taking
  - 6 responsibility; that everything that happens in
  - 7 the classroom is the faculty mem -- member's
  - 8 responsibility.
  - 9 And so to say -- to blame some of the
  - 10 negative comments -- well, not -- I don't want to
  - 11 use "some." I -- I inter -- when I read it I
  - 12 interpreted it to be a majority of the negative
  - 13 comments directly to the Teaching Assistants I
  - 14 believed was not taking responsibility for the
  - 15 class.
  - 16 Q. So if you felt that strongly about
  - 17 this issue, you didn't feel a need to ask Dr.
  - 18 Nikolova to explain herself, --
  - 19 A. Well, actually, I gave --
    - Q. -- the follow-up questions that you
  - 21 sent her?

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- 22 A. Actually, I gave her the opportunity
- 23 to. So I -- I called Ahmed after I had made my
- 24 ne -- after I made my negative recommendation,
- 25 and I wanted Dr. Nikolova -- Nikolova to know.

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- 1 had impacted her teaching, and she -- I'm
- 2 paraphrasing now. I don't have her comments
- 3 directly in front of me.
- 4 But she indicated that she received
- 5 positive comments, but all the negative comments
- 6 were associated to the Teaching Assistants, and
- 7 then -- and that --
- 8 BY MR. NOTZON:
- 9 Q. She didn't say "all of them," did
- 10 she?
- 11 A. I said I was paraphrasing, I did not
- 12 have it in front of me, so I'm -- please give me
- 13 a little leeway here.
- 14 Q. Well, "all" -- "all" is hard. It's
- 15 hard to give you --
- 16 A. Okay. I'll say -- how 'bout we
- 17 change it to "most"? "Most" of the negative
- 18 comments were related to the Teaching Assistants.
- 19 Are you okay with that?
- 20 Q. No, but go ahead.
- 21 A. Okay. A -- a -- a fraction --
- 22 actually, --
- 23 Q. "Some"?
- 24 A. "Some." Okay. I'll use "some." But
- 25 there was -- she said she had attributed them

- 1 And I said, "She has two options. She can
- 2 provide a written rebuttal to this that will be
- 3 included in this -- in the case when it goes to
- 4 the President's Committee so they will see her
- 5 response to this, so if I have misrepresented her
- 6 case, she will be able to provide that
- 7 information directly to the decision-makers.
- 8 Alternatively, she has the option of
- 9 withdrawing her case so that if the Committee
- 10 agrees with my decision, she would not have a
- 11 negative decision on her record.
- 12 And she, indeed, did decide to submit
- 13 supplemental document to rebut my statement. So
- 14 I did give her the opportunity to respond.
- 15 MR. NOTZON: Object as
- 16 nonresponsive.
- 17 BY MR. NOTZON:
- 18 Q. That wasn't my question, Dean Wood.
- 19 My question is: If you felt so
- 20 strongly about this issue with Teaching
- 21 Assistants, which, according to your testimony
- 22 and the way you presented, you do, why didn't you
- 23 ask her in your follow questions before making
- 24 your final decision to explain herself on this
- 25 issue?

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1	A. So my follow-up questions in most	1	So having one extra question in there	
2	cases are I can't remember any case that it	2	would not have added more time, would it?	
3	isn't are really in the quantitative nature	3	MR. DOWER: Objection;	
4	of, as I mentioned, the two cases to you, did	4	form.	
5	this student graduate, did was a proposal	5	A. No, I I disagree.	
6	funded, was was this paper published.	6	BY MR. NOTZON:	
7	When a candidate has the ability to	7	Q. How would it have added time?	
8	write a statement, I don't then ask questions	8	A. Excuse me, would you like me to	
9	about their statement. I take their statement on	9	answer the question?	
10	face value.	10	Q. How would it add more time?	
11	Q. Another quantitative issue was did	11	A. Because I I reviewed the CV first,	
12	you mean to contradict the philosophy within the	12	and I tried to make sure there's clarification on	
13	School of of Engineering when you wrote what	13	all of the the quantitative information the	
14	you wrote?	14	CV.	
15	MR. DOWER: Objection;	15	Then I I read each case at least	
16	form.	16	once, possibly twice. That takes a considerable	
17	A. I'm sorry, I don't understand the	17	amount of time.	
18	question.	18	There are also more than ten cases	
19	BY MR. NOTZON:	19	being considered each in each review cycle.	
20	Q. You you know, if this is so	20	So there may be a significant gap between when I	
21	important and you're saying that she has her	21	send the initial that set of questions that I	
22	statement contradicts the philosophy within the	22	mentioned requesting clarification and when I	
23	Cockrell School of Engineering, if if that's	23	finish this my my letter.	
24	something that's so critical to you and you're	24	MR. DOWER: Robert,	
25	going to rely on this and her her funding as	25	it's been about an hour. Can we	
	227			229
1		1	take a break relatively soon?	229
1 2	the two main reasons why you're not going to	1 2	take a break relatively soon?  MR. NOTZON: Not just	229
l _	the two main reasons why you're not going to promote her support her promotion and tenure,		take a break relatively soon?  MR. NOTZON: Not just yet.	229
2	the two main reasons why you're not going to	2	MR. NOTZON: Not just	229
3	the two main reasons why you're not going to promote her support her promotion and tenure, and opposition to both your P&T Committee and the	2 3	MR. NOTZON: Not just yet.	229
3 4	the two main reasons why you're not going to promote her support her promotion and tenure, and opposition to both your P&T Committee and the Budget Council and the Chair, you you're not	2 3 4	MR. NOTZON: Not just yet. MR. DOWER: Okay. Well,	229
2 3 4 5	the two main reasons why you're not going to promote her support her promotion and tenure, and opposition to both your P&T Committee and the Budget Council and the Chair, you you're not going to give her one opportunity to explain	2 3 4 5	MR. NOTZON: Not just yet. MR. DOWER: Okay. Well, then I would like the record to	229
2 3 4 5	the two main reasons why you're not going to promote her support her promotion and tenure, and opposition to both your P&T Committee and the Budget Council and the Chair, you you're not going to give her one opportunity to explain herself?	2 3 4 5	MR. NOTZON: Not just yet.  MR. DOWER: Okay. Well, then I would like the record to reflect that you are banging the	229
2 3 4 5 6 7	the two main reasons why you're not going to promote her support her promotion and tenure, and opposition to both your P&T Committee and the Budget Council and the Chair, you you're not going to give her one opportunity to explain herself?  MR. DOWER: Objection;	2 3 4 5 6 7	MR. NOTZON: Not just yet.  MR. DOWER: Okay. Well, then I would like the record to reflect that you are banging the table as you shout at my witness.	229
2 3 4 5 6 7 8	the two main reasons why you're not going to promote her support her promotion and tenure, and opposition to both your P&T Committee and the Budget Council and the Chair, you you're not going to give her one opportunity to explain herself?  MR. DOWER: Objection; form.	2 3 4 5 6 7 8	MR. NOTZON: Not just yet.  MR. DOWER: Okay. Well, then I would like the record to reflect that you are banging the table as you shout at my witness.  MR. NOTZON: I don't	229
2 3 4 5 6 7 8 9	the two main reasons why you're not going to promote her support her promotion and tenure, and opposition to both your P&T Committee and the Budget Council and the Chair, you you're not going to give her one opportunity to explain herself?  MR. DOWER: Objection; form.  A. Sir, she did have an opportunity to	2 3 4 5 6 7 8 9	MR. NOTZON: Not just yet.  MR. DOWER: Okay. Well, then I would like the record to reflect that you are banging the table as you shout at my witness.  MR. NOTZON: I don't think that's accurate, and good	229
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2 3 4 5 6 7 8 9 10	the two main reasons why you're not going to promote her support her promotion and tenure, and opposition to both your P&T Committee and the Budget Council and the Chair, you you're not going to give her one opportunity to explain herself?  MR. DOWER: Objection; form.  A. Sir, she did have an opportunity to address it. BY MR. NOTZON:	2 3 4 5 6 7 8 9 10	MR. NOTZON: Not just yet.  MR. DOWER: Okay. Well, then I would like the record to reflect that you are banging the table as you shout at my witness.  MR. NOTZON: I don't think that's accurate, and good thing it's recorded. Okay, so Especially when I'm way over here	229
2 3 4 5 6 7 8 9 10 11	the two main reasons why you're not going to promote her support her promotion and tenure, and opposition to both your P&T Committee and the Budget Council and the Chair, you you're not going to give her one opportunity to explain herself?  MR. DOWER: Objection; form.  A. Sir, she did have an opportunity to address it.  BY MR. NOTZON:  Q. And she did, didn't she?	2 3 4 5 6 7 8 9 10 11	MR. NOTZON: Not just yet.  MR. DOWER: Okay. Well, then I would like the record to reflect that you are banging the table as you shout at my witness.  MR. NOTZON: I don't think that's accurate, and good thing it's recorded. Okay, so Especially when I'm way over here and she's way over there, I don't I even if that was happening. That's silly.	229
2 3 4 5 6 7 8 9 10 11 12 13	the two main reasons why you're not going to promote her support her promotion and tenure, and opposition to both your P&T Committee and the Budget Council and the Chair, you you're not going to give her one opportunity to explain herself?  MR. DOWER: Objection; form.  A. Sir, she did have an opportunity to address it.  BY MR. NOTZON:  Q. And she did, didn't she?  A. Excuse me?  Q. She did, didn't she, but only after you ruled against her?	2 3 4 5 6 7 8 9 10 11 12 13	MR. NOTZON: Not just yet.  MR. DOWER: Okay. Well, then I would like the record to reflect that you are banging the table as you shout at my witness.  MR. NOTZON: I don't think that's accurate, and good thing it's recorded. Okay, so Especially when I'm way over here and she's way over there, I don't I I even if that was	229
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1 A. Yes. The Vice President of Research,

- 2 that's Dan Jaffe, would often ask questions about
- 3 how many grants continue beyond the end of the --
- 4 the year that's being under review. Is there
- 5 sufficient funding to support all the members of
- 6 the research group?
- 7 So that's why I'm saying that because
- 8 so much of the funding occurred early, it -- it
- 9 raises some questions of whether there's
- 10 continuity of funding.
- 11 Q. Are you finished?
- 12 A. Yes.
- 13 Q. Doesn't that depend on how much
- 14 funding she needs and over what period of time
- 15 and how much funding she has?
- 16 A. Yes, it does.
- 17 Q. And -- and did you go through that
- 18 analysis? Because according to every other
- 19 person that's written on this, she had excess
- 20 funds based upon those criteria.
- 21 MR. DOWER: Objection;
- 22 form.
- 23 A. I don't believe -- I believe Dr.
- 24 Nikolova talks about excess funds. I don't
- 25 believe others talked about excess funds.

1 forward.

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- 2 Q. And -- and why was that not
- 3 sufficient amount of time given what she also

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- 4 wrote about her ability to get funding from her
- 5 track record at that time?
  - A. So I checked the University records.
- 7 In three years she actually spent a million
- 8 dollars of research expenditures from grants and
- 9 contracts, so that -- that was a bit of an
- 10 exaggeration to say over seven years she spent a
- 11 million dollars.
- 12 Secondly, she was given a startup
- 13 package that included her summer salary, graduate
- 14 student years, and also some discretionary money,
- 15 and so I believe that that -- those funds, which
- 16 are -- allowed her to main -- have a large
- 17 research group, but she was not paying those
- 18 people with a grant from grant funds.
- 19 So if one takes into account how much
- 20 a grant would have to pay for graduate students,
- 21 and I believe she referred to a group of four,
- 22 and her own summer salary, and them some money
- 23 for travel, tuition, all these other things that
- 24 were added on, computers, her -- her -- I -- a
- 25 projection of two and a half years is a -- I

And I disagree with her assessment.

- 2 BY MR. NOTZON:
  - Q. They say -- they talk about
- 4 sufficient funds, don't they?
  - A. "Sufficient" and "excess" are not the
- 6 same.

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- 7 Q. "In excess of her needs" would be
- 8 "sufficient," wouldn't it?
- 9 A. Okay. So --
- 10 Q. "Yes" or "no"?
- 11 A. Yes.
- 12 Q. Okay.
- 13 A. I -- I would like to provide
- 14 clarifying information, however.
- 15 Q. No, thank you.
- 16 We talked earlier about what kind of
- 17 dollars are needed for what kind of research, and
- 18 do you recall Dr. Nikolova's response to your
- 19 criticism about her funding, the sustainability
- 20 of her funding?
- 21 Do you recall that --
- 22 A. Yes, I -- I believe she said that she
- 23 had spent a million dollars and all of her time
- 24 and rank up to that time, and she had about two
- 25 and a half years of research funding moving

- 1 believe is an over -- is an exaggeration, and
  - that -- and it does -- her funding did not last
- 3 that long.
- 4 Q. And you're the only one that caught
- 5 that?
- 6 MR. DOWER: Objection;
- 7 form
- 8 A. There are many cases where I -- I do
- 9 a more detailed evaluation than the Budget
- 10 Council or the -- or the Promotion and Tenure
- 11 Committee because I -- I see so many more cases
- 12 than they do, and I also know the questions that
- 13 the President's Committee asks me.
- 14 So it takes a lot of time and -- to
- 15 cull through all this information, and many times
- 16 the Committees don't put that time in. So yes, I
- 17 was the only one that saw that.
- 18 BY MR. NOTZON:
- 19 Q. Why did you refer to her funding in
- 20 terms of years instead of prior to UT and at UT
- 21 like you do in other evaluations?
  - A. So she was able to transfer some of
- 23 her research funded that she was awarded grants
- 24 at Texas A&M and then was able to transfer them
- 25 to UT and spent them here, so I considered her

234 236 1 entire time in -- in rank as an Assistant 1 downward trend because she ended up getting a 2 Professor. 2 large infusion of money to start, which -- which 3 Q. But you also criticized her for not 3 was -- in a total amount, but it was scheduled 4 having additional funding, even though she got over a period of years. It was meant to go over a period of 5 funding at UT? 5 A. Right. So one of the things that -years and was used over a period of years. 7 one of the trends that we like to see for someone 7 A. You're right, it was. 8 Q. So to call that a downward trend who's being considered for promotion is that the is -- was that not really fair, was it? funding starts -- starts low, as any Assistant 10 Professor would, and then it increases during A. As I mentioned, very often in 11 their time in rank. 11 promotion cases, the ones that are successful, 12 And so I noted that her first -- I you'll see that more grants are coming in toward 13 would say in the '13/'14 and '14/'15 academic 13 the end of the probationary period so that the 14 year, things were on a great track, and then she 14 faculty member is getting more funding. spent a year -- there was a year that was not --15 And the size of the group, you know, her modified instruct -- she had her probationary as -- as the startup funds diminish, they're able 16 year, she spent time at UC Berkeley, she had -to pick up the -- the -- the difference with 18 did not teach, she had the birth of her first their research funding. 19 child, and after that it didn't seem as if the --19 Q. Let's go back to the teaching. I 20 the growth was being sustained at the same level. 20 want to look at Footnote 2 on Page 2 of Exhibit 21 21 2. And so very often in these 22 22 assessments the Department Chairs and the Budget You refer to "16.5 percent of the 23 Council look at average funding, and I think that instructor ratings for tenure and tenured-track faculty in the Cockrell School are 3.7 or below." trends are -- in terms of -- the -- the trends 24 are actually very important in these assessments. 25 So you're comparing her across the 235 237 And we -- we've seen this not only in 1 entire College of Engineering, regardless of the 2 promotion cases but other evaluations of faculty. 2 type of course it is, regardless of the required Q. Why is a trend important instead of 3 course, regardless of how many students are 4 sufficient funding important based upon the needs 4 there, and to make it worse, you're using her one 5 of the research program? 5 outlier score the one time where she's teaching a 6 A. Well, I told you, there's a double overloaded course as the number that fundament -- I -- Dr. Nikolova and I disagree on you're pegging her to, instead of at least using how much funding is required to support her 8 her average. research group of four people, and because she 9 Why did you -had so much startup funds that came in when she 10 MR. DOWER: Objection; 10 11 started at UT, she was able to use those funds to 11 form. 12 BY MR. NOTZON: cover a -- a large portion of her research group. 12 13 Those funds expire after about two 13 Q. Why did you do that? 14 MR. DOWER: Objection; 14 years, so she would need more funding to pay -from grants to pay for that same size research 15 15 form. 16 group. 16 A. That's a very good question. I --17 Q. Why would she -- and my next question 17 BY MR. NOTZON: is: Why would she be penalized for getting a 18 Q. Do you think that's fair to comment high initial set of funding instead of the norm 19 on her outlier score? 19 that you're used to seeing, like you testified, A. Well, it -- it's what I did at the 21 of a new Assistant Professor starting off small 21 time, so I definitely felt it was fair at the 22 time. 22 and growing? 23 23 A. She was not penalized for starting Q. Or you felt it would put her in the least favorable light, correct? 24 strona. 25 Q. You're -- you're saying she had a 25 MR. DOWER: Objection;

240 238 1 form. And then you also want to know are 2 A. Well, I'm -- I was trying -- I mean, some of her papers being recognized from UT 3 I also have to defend what I write, and so it's Austin, so 42 citations based on work at UT very clear from this that I picked one number and Austin is also quite high. 5 5 I'm providing the context for it. So that's the context in which it's 6 So I -- I'm not -- so I'm -- I'm presented is that you -- you expect citations to 7 defending my assessment, yes. grow as a faculty mem -- as a faculty member Q. Nobody has to believe that your 8 spends more time in rank, and it's not 9 intent in this document was to be fair, do they? immediately apparent when looking at these 10 MR. DOWER: Objection; citations what -- which are based on work that 11 form. 11 they've done at UT. 12 A. I need to do an independent 12 So I've been -- I've been adding 13 assessment, Sir, and I did an independent 13 this, this is consistent, this is the things that I do in -- in every evaluation, really since 14 assessment. 14 15 BY MR. NOTZON: the -- the President's Committee has started 16 Q. That's your testimony but that's for 16 looking at the trends and citations. a jury to decide, isn't it? 17 I find it's very helpful to talk out 17 18 MR. DOWER: Objection; how -- how well their work is represented --18 their work at UT is represented within the 19 19 20 A. I did an independent assessment as 20 community. required of me as Dean of Cockrell School of MR. NOTZON: Object as 21 21 22 22 **Engineering** nonresponsive. 23 BY MR. NOTZON: 23 BY MR. NOTZON: 24 Q. I'll take that as your answer. 24 Q. That whole -- that whole answer 25 What about Footnote No. 4 on that followed my question of do you know when that 239 241 1 same page? What was your intent in citing to paper was published. A. It's elsewhere in the do -- in the work that she had completed during her graduate 2 studies at MIT? 3 dossier. 3 Let me ask a -- a -- a preliminary 4 Q. Okav. 4

5 question first. The paper that was cited, when was the paper published? 7 MR. DOWER: Objection; 8 form. A. That information is included in the dossier because we asked the candidates to 10 include the -- the front page of their Google 11 Scholar profile on -- from the website. 12

13 So I don't know when it was -- when 14 it was published; it includes her entire history.

And so what happens is the h-index and the 15

citations are very dependent on one's research

17 domain, and also, if one does a post-Doc, really

the -- the prominence of who they worked with in 18

a grad school and post-Doc. 19

20 And so this is providing context

21 that, you know, she -- she has a very highly

cited paper, it's more than 10 percent of her 22

23 total citations, it's -- so it establishes that

24 she has a very good reputation about her graduate

25 students.

5 I don't know off the top of my head.

Q. Thanks. Just, you know, that was the

7 question.

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So based upon what you just said, it 8

sounds like you were also trying to show a

downward trend in the citations of her papers. 10

11 MR. DOWER: Objection;

12 form.

13 A. Absolutely not.

BY MR. NOTZON: 14

15 Q. Okav.

16 Citations take time to develop.

Q. Right. So the longer a paper exists,

the more likely the citations will grow? 18

A. That's correct.

Q. Especially if the issue written about

21 has legs, as it were?

22 A. That is correct.

23 Q. Influence in the community?

24 A. Correct.

Q. What I see lacking in this letter is

242 244 1 any kind of -- or not "any," but very few 1 from the external reviewers that were all from 2 adjectives that put Dr. Nikolova's work in 2 institution -- peer institutions that are higher 3 context or a descriptive context that exists if 3 ranked than UT? 4 many of your -- of the Deans' evaluations of 4 MR. DOWER: Objection; 5 5 other faculty members that you're supporting. form. I don't see -- would you agree with 6 A. The President's committee asked me that, that you have fewer adjectives describing 7 specifically not to include quotes in my letter. Dr. Nikolova's work than you use in other papers? This was a change that they asked all of us to 9 9 implement. A. I have not done --10 10 MR. DOWER: Objection; The only difference to that is if 11 form. 11 there was a negative comment in the letter, they 12 A. -- that assessment. I can tell you 12 want it to be addressed in the Dean's letter. that the Provost encouraged me to write shorter 13 13 So that is a change that has 14 letters. 14 occurred -- that occurred in response to -- to 15 BY MR. NOTZON: 15 the President's Committee. And I -- I do not 16 Q. Would you agree that you also didn't 16 believe that all of the letter writers came from put in the positive comments which were -- the --17 higher-ranked institutions. 18 BY MR. NOTZON: the great majority of the comments from the students on Dr. Nikolova were positive comments 19 Q. Most of them? from the students? 20 20 A. I do not -- I -- I believe most did, 21 MR. DOWER: Objection; 21 but I do not -- not all. 22 22 Q. Okay. And -- and you are form. 23 A. I know that there were many positive 23 specifically tasked with approving the letter 24 writers for each candidate, correct? 24 comments, and, you're right, I did not refer to 25 them. 25 A. That is correct. 243 245 1 BY MR. NOTZON: Q. And so when you got Dr. Nikolova's Q. Do you know that they were -- a good 2 list of proposed letter writers, you approved 3 two-thirds, at least, if not more, of the 3 those? comments were positive comments? 4 A. That is the policy. I do not MR. DOWER: Objection; 5 5 remember exactly when I approved her's, but that 6 form. 6 is the policy, and I believe that that was 7 A. I do not know that. I have read all 7 followed. the comments, but I do -- have not -- I've not 8 Q. And so that would have also been the tried to -- attempted to quantify them. case of you approving the letter writers for 10 BY MR. NOTZON: 10 other candidates that had letter writers from 11 Q. Well, you know Dr. Nikolova in her 11 non-peered institutions, correct? 12 rebuttal to your evaluation did quantify them? 12 A. So the policy changed since -- while 13 A. I believe she did, yes. 13 I was Dean and when it was required to -- for the Q. So you do -- you have read it at one 14 14 Dean to approve the letter writers. 15 point? 15 I don't remember what year that 16 A. I have. 16 changed, but that has changed since I've been 17 Q. We already talked about how you 17 Dean. The other -didn't cite any of the positive comments from the 18 Q. Has -- I'm sorry. Go ahead. peer reviewers and how they gushed about her A. The other issue that I know Dr. 19 teaching, correct? 20 Niko -- Nikolova brought up was in reference to 21 MR. DOWER: Objection; 21 another candidate in a -- in a Department that 22 22 had -- where --23 A. That is correct. 23 There are very few Departments of 24 BY MR. NOTZON: 24 Petroleum Engineering across the U.S., and so in 25 Q. Did you include any of the quotes that specific example there was one international

1 reviewer, there was one member from a non-top ten

- 2 ranked Department, and all the other reviewers
- 3 were from top ten ranked Departments of Petroleum
- 4 Engineering, even though they may not have been
- 5 from what are normally considered to be peer-
- 6 reviewed universities.
- 7 Q. And why didn't you identify that in
- 8 your evaluation of that candidate?
- 9 A. The -- if -- if an individual
- 10 is -- or if a faculty member is from a top ten or
- 11 top twenty ranked Department, that's considered
- 12 to be appropriate for the review. And so --
- 13 Q. But --
- 14 A. And if a -- if a faculty member is
- 15 not in a top ranked Department, then they ask for
- 16 some sort of reason, and being an actual Academy
- 17 member is sufficient reason to go out of a -- to
- 18 a lower-ranked university or lower-ranked
- 19 Department.
- 20 Q. Can you tell me why you mention Dr.
- 21 Nikolova's getting pregnant --
- 22 A. I'm sorry. I --
- 23 Q. -- in this letter.
- 24 A. I'm sorry. Where is that?
- 25 Q. You -- you mentioned it at least a

1 year.

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- 2 MR. NOTZON: Object as
- 3 nonresponsive.
- 4 BY MR. NOTZON:
- 5 Q. My question is not that she didn't
- 6 teach in that year or the reasons for why she
- 7 wasn't teaching in the Fall of 2015.
  - The question was why did you mention

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- 9 the pregnancy or the getting pregnant part?
- 10 MR. DOWER: Objection;
- 11 form.

8

- 12 BY MR. NOTZON:
- 13 Q. You could have, could you not, said
- 14 that she was given modified instructional duty,
- 15 you could say what she did in the Fall of 2015,
- 16 you could -- and -- and -- and the -- the benefit
- 17 to Dr. Nikolova's exposure and -- and
- 18 professional reputation, but also the service to
- 19 the community and the reputation of UT was also
- 20 benefitted by that, and then you could say that
- 21 she was given modified instructional duty for the
- 22 Spring semester, but you didn't, did you?
- 23 MR. DOWER: Objection;
- 24 form.

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25 A. You're correct. I was, I believe,

1 couple of times, but the one I'm -- your first

2 mention of it is in Footnote No. 1 on Page 2.

- 3 MR. DOWER: I'm going
- 4 to object to form.
- 5 A. So the reason for that is Dr.
- 6 Nikolova did not teach during the '15/'16
- 7 academic year, and that -- that's actually my
- 8 first statement on the top of Page 2.
- 9 And so the President's Committee is
- 10 interested in knowing why -- or what the norms
- 11 are for teaching in each Department, and then if
- 12 there's a deviation from the norm.
- 13 So it was important to recognize that
- 14 she was allowed to spend the Fall semester at UC
- 15 Berkeley, so she was not in residence, this was
- 16 something that the Department Chair felt was
- 17 important for her professional development, and
- 18 then she had agreed to teach two classes in the19 Spring, but she did not teach those two classes
- 20 because she was expecting -- I believe her first
- 21 child was born during that Spring semester, so
- 22 she was placed -- she requested modified
- 23 instructional duties.
- 24 So this was an explanation of why Dr.
- Nikolova did not teach in the '15/'16 academic

- 1 paraphrasing what the Department Chair said in
- 2 his letter, and you're absolutely right, I could
- 3 have deleted the first phrase and just said, "She
- 4 was assigned modified instructional duties for
- 5 the spring semester," you're correct.
- 6 BY MR. NOTZON:
- Q. Were you also trying to penalize her
- 8 for having been irresponsible and getting
- 9 pregnant while she was away in the Fall semester
- 10 when she was expected to teach two classes in,
- 11 quote/unquote, payment for that time away?
- 12 MR. DOWER: Objection;
- 13 form.
- 14 A. That was never my intent. That never
- 15 crossed my mind.
- 16 BY MR. NOTZON:
- 17 Q. You don't see that in your Footnote
- 18 1?
- 19 A. As you mention it, I see how it could
- 20 be interpreted that way, but that was not my
- 21 intent.
- Q. "However, she became pregnant," even
- 23 though she was scheduled for two classes in the
- 24 Spring semester.
- 25 How could you take it any other way

	250			252
1	if you're in the business?	1	Q. And in fact, her Department was	
2	MR. DOWER: Objection;	2	raving about her innovations in the classroom and	
3	form.	3	in the curriculum which were adopted by other	
4	A. I've already I've already	4	award-winning faculty members like your	
5	addressed my intent, I believe. That was not my	5	associate, Dean Julien.	
6	intent as you're explaining it.	6	You talked about how wonderful she	
7	BY MR. NOTZON:	7	wrote the assessment of her teaching and how	
8	Q. You also state that since that	8	wonderful she was, correct?	
9	academics year, she's just fallen off. She's jut	9	MR. DOWER: Objection;	
10	not the same person that she used to be before	10	form.	
11	she got pregnant.	11	A. I believe you're characterizing the	
12	MR. DOWER: Objection;	12	statements in the dossier correctly.	
13	form.	13	BY MR. NOTZON:	
14	BY MR. NOTZON:	14	Q. And she then went back to Simons in	
15	Q. Isn't that correct?	15	the Spring of 2018 after, quote/unquote, "paying	
16	A. I said that her instructor ratings	16	for the per privilege to go by the double big	
17	fell. I did not link it to children or	17	class in the Fall semester," despite being	
18	pregnancy.	18	pregnant, and she organized along with tenured	
19	Q. Didn't you? You say that right after	19	Professors, she was the only nontenured Professor	
20	Footnote 1 is there on the top of Page 2.	20	as an organizer, correct?	
21	In Footnote 1, it specifically talks	21	MR. DOWER: Objection;	
22	about her getting pregnant while she was away	22	form. Robert, when you say	
23	from UT at another program, correct?	23	"quote/unquote," are you quoting	
24	<ol> <li>You have correctly read the document,</li> </ol>	24	yourself? What are you quoting?	
25	but that was not my intent. As I told you, I	25	MR. NOTZON: You can	
		1		
	251			253
1	251	1	object Mr Dower	253
1	look at trends, and I this was a trend, was	1 2	object, Mr. Dower.	253
2	look at trends, and I this was a trend, was that the teaching ratings are were lower after	2	MR. DOWER: Okay.	253
2	look at trends, and I this was a trend, was that the teaching ratings are were lower after that semester.	2	MR. DOWER: Okay. Objection; form.	253
2 3 4	look at trends, and I this was a trend, was that the teaching ratings are were lower after that semester.  Q. Let's put the cherry on top by	2 3 4	MR. DOWER: Okay. Objection; form. MR. NOTZON: Thank	253
2 3 4 5	look at trends, and I this was a trend, was that the teaching ratings are were lower after that semester.  Q. Let's put the cherry on top by looking at the top paragraph of Page 4 of Exhibit	2 3 4 5	MR. DOWER: Okay. Objection; form. MR. NOTZON: Thank you.	253
2 3 4 5 6	look at trends, and I this was a trend, was that the teaching ratings are were lower after that semester.  Q. Let's put the cherry on top by looking at the top paragraph of Page 4 of Exhibit 2. And you don't just talk about her following	2 3 4 5 6	MR. DOWER: Okay. Objection; form. MR. NOTZON: Thank you. A. She did go back to to this	253
2 3 4 5 6 7	look at trends, and I this was a trend, was that the teaching ratings are were lower after that semester.  Q. Let's put the cherry on top by looking at the top paragraph of Page 4 of Exhibit 2. And you don't just talk about her following the 2015/2016 school year having fallen off, you	2 3 4 5 6 7	MR. DOWER: Okay. Objection; form. MR. NOTZON: Thank you. A. She did go back to to this institute at UC Berkeley, and she did organize a	253
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1 science," so that provides the context of the

- 2 importance of this. But you're right, I did not
- 3 describe an upward trend.
- 4 Q. You provide the importance of the
- 5 Institute. You don't provide the importance of
- 6 her participating and you don't talk about your
- 7 assessment of that participation being something
- 8 that you view as important to either her career
- 9 or UT's reputation, do you?
- 10 A. I --
- 11 MR. DOWER: Objection;
- 12 form.
- 13 A. I did state that the other four
- 14 organizers were tenured faculty members and --
- 15 and I gave the names to say they were very highly
- 16 ranked universities.
- 17 So I provided the context of that
- 18 related to her professional service so that it
- 19 could be -- that context could be -- that the
- 20 members of the Pres -- President's Committee
- 21 could put her work in context.
- 22 BY MR. NOTZON:

form.

years later?

authority.

a break.

p.m.

p.m.

BY MR. NOTZON:

BY MR. NOTZON:

23 Q. While you don't provide any positive

MR. DOWER: Objection;

Q. Did Dr. Nikolova -- has Dr. Nikolova

A. I cannot answer that question with

MR. NOTZON: Let's take

THE COURT REPORTER: We're

MR. DOWER: Okay.

going off the record at 4:00 o'clock

we are back on the record at 4:14

we are back recording, as well.

(Recess held from 4:00 p.m. to 4:14 p.m.)

MR. SCHMIDT: Okay. And

Q. Okay. Dean Wood, during the P&T

Committee consideration of Dr. Nikolova and your

interaction with them, were there any of the P&T

THE COURT REPORTER: And

run out of funding for her research here two

24 assessment of it, you just provide the fact,

A. I provided the facts, yes.

25 correct?

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23 24

- 1 Committee members that were particularly vocal
  - 2 about -- in their support of Dr. Nikolova?
  - 3 A. The -- the Chair of the Promotion and

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- 4 Tenure Committee that year was Dr. Nikolova's
- 5 mentor, and I did not know that at the time, so
- 6 he -- he also is the ECE representative.
- 7 So I think he was very -- I -- I -- I
- 8 didn't know that at the time I wrote this letter,
- 9 either, just to put that in context.
  - I believe he was a very strong
- 11 supporter for Dr. Nikolova.
- 12 Q. "Was" meaning no longer, or "was"
- 13 meaning at the time?
- 14 A. No, you asked me at the time that I
- 15 met with him, and so that's why I used the past
- 16 tense.

10

18

- 17 Q. Okay. Just to clarify.
  - I have seen a bunch of emails from
- 19 ECE faculty members responding to Dr. Nikolova's
- 20 email kind of publicly airing her displeasure
- 21 with your evaluation and -- and -- and denial of
- 22 tenure.
- 23 Have you seen those emails, as well?
- 24 A. I did not deny tenure. The President
- 25 made the decision. I made a recommendation in my

- 1 independent assessment.2 Q. A recommendation to deny?
  - A. To not promote at this time, that's
- 4 correct.
- 5 Q. Yep. All right. And thank you for
- 6 keeping me to that accuracy on what your
- 7 responsibility was.
- 8 So what was my question?
- 9 A. You asked me if I had seen the
- 10 responses from the faculty members.
- 11 Q. Yeah.
- 12 A. And the answer is no. Dr. Tewfik
- 13 forwarded to me the email that Dr. Nikolova sent
- 14 to Sanjay, and that's all that I've seen.
- 15 Q. Okay. You didn't -- nobody forwarded
- 16 you the other emails from faculty members or the
- 17 email from Dr. Nikolova where she compiled the --
- 18 the comments that were -- she was authorized to
- 19 publicly disclose and those that were not?
- 20 A. I do not remember seeing that.
- 21 Q. Okay. I -- I saw where there was a
  - 2 number of emails that were forwarded to you by
- 23 ECE faculty that came from Dr. Nikolova or others
- 24 that you weren't copied on.
- 25 A. Okay.

255

258 260 1 Q. Do you know what I'm talking about? A. So I mean, Ahmed Tewfik reached out 2 A. I'm sorry. I honestly don't 2 to me because he wanted me to be aware that Dr. 3 remember. 3 Nikolova had been -- had shared emails within the 4 Q. Were there any members of the P&T 4 Department and -- and distributed the 5 Committee that were communicating to you their 5 information. displeasure with your recommendation? 6 I honestly do not remember if I 7 A. Not to my knowledge. 7 received any follow-up emails from that. 8 Q. So other than -- and the person 8 Q. Okay. So looking at Exhibit 2, your you're referring to is Sanjay, is that right, evaluation dated 20th of November 2018, does this 10 that was her mentor? include all the reasons for your recommendation 11 A. Sanjay Shakkottai, yes. to deny tenure to Dr. Nikolova? 12 Q. Okay. Thank you. It's not in front 12 A. To not promote her early, yes. of me, so I didn't have it memorized. 13 Q. Okay. And so I should expect to hear 13 14 "Shakkottai"? 14 nothing else as another reason that you would 15 A. Yes. have recommended not promoting her to tenure at 16 Q. So Professor Shakkottai. 16 that time later in this case? 17 Anyone else besides him that was 17 A. I don't believe so. I believe that vocally in support of Dr. Nikolova either during 18 I've addressed my -- I addressed my concerns in 18 19 my written letter. the process or since? 20 MR. DOWER: Objection; 20 Q. Okay. And -- and -- and that's 21 because you're required to put your reasoning in 22 A. I -- I don't remember anything, but I writing; is that right? 23 think -- I have also not reviewed my emails 23 A. That is correct; right. specifically to answer that, and it was not Q. Okay. And you'd said that this was 24 25 amongst the emails that I reviewed in preparation the first time that -- or the first year where 259 261 1 for this deposition. 1 you directed the P&T Committee not to give you a 2 draft of the recommendation letter. 2 BY MR. NOTZON: And is -- would it be accurate 3 Q. Has anybody reached out to you in support of not giving Dr. Nikolova tenure? 4 that -- well, let me ask it: When in past years 5 A. Not to my knowledge. 5 the P&T Committee would write a -- a first draft 6 Q. Other than, of course, President of the recommendation letter, would they know 7 Fenves. what your position is when they wrote it? A. No. 8 A. Well. --8 9 Q. We're not talking about --Q. Okay. So their letter would be based 10 A. -- they made the decision. 10 upon their position and their vote? 11 Q. Yeah, I'm talking about anybody at or 11 A. Correct. Their draft, yes. 12 below your level of responsibility. 12 Q. Supporting their position and their 13 A. I don't -- I don't remember any 13 vote --14 case -- well, I don't remember any case where a 14 A. Correct. faculty member within the Cockrell School of 15 Q. -- on what the recommendation ought 15 Engineering has contacted me after I've made a 16 to be? recommendation on -- on a promotion of tenure 17 A. (Nodding head affirmatively.) 17 18 case. 18 Q. "Yes"? Okay. 19 19 So you said the reason that you told Q. Okay. So my question would include, is there anybody that has communicated with you a them this particular year the first time to not 21 reaction to your recommendation against tenure 21 do that was to save time. for Dr. Nikolova, whether it be a comment in 22 Would it also be accurate that it passing, a written comment, or any communication 23 would be easier for you to not have to have a 24 to you that they have an opinion on what you 24 record of what their position was in support of 25 wrote or recommended? 25 the tenure when you're about to deny or recommend

264 262 1 not promoting? BY MR. NOTZON: 2 MR. DOWER: Objection; 2 Q. So do you ever make an attempt to not 3 put something in writing? 4 A. No, I don't believe that was a factor 4 MR. DOWER: Objection; 5 5 at all. I made the decision to change the form. process sometime during the summer. 6 A. I did that specifically in one case 7 this year. 7 I had not looked at any of the cases 8 BY MR. NOTZON: 8 other than a cursory review at that time, so it 9 really was an attempt to -- I find it --Q. And whose was that? 10 especially since the Provost had asked me to 10 A. This was an Assistant Professor in 11 shorten my letters, I would -- I had I think 11 Biomedical Engineering where the Department 12 found it to be more efficient for me and in my 12 recommended a terminal appointment, and I agreed 13 thought process to -- to take their input and 13 with the Department on a terminal appointment. 14 incorporate it into my letters. 14 There were concerns about the 15 BY MR. NOTZON: 15 candidate's mentorship of graduate students, and 16 Q. And what was the Provost's 16 so I did not want -- because this is information instruction on shortening your letter? that's available for the public record, the 17 A. Well, one -- one thing specifically Department Chair didn't mention that and I -- I 18 was "Don't include quotations from the external addressed -- I did not put that in my specific 19 letter writers.' 20 letter to protect the graduate student. 20 21 That had been something we had done 21 Q. A FERPA thing, --22 specifically in the past, and it took quite a bit 22 A. Well, --23 of time to document and put all that in place. 23 Q. -- or just a -- a professional And the feedback from the President's Committee 24 25 is, "We read those letters anyway. We don't need 25 I think a professional courtesy. 263 265

1 to read it in -- in your letter."

2 Q. Uh-huh.

3 Was there a specific reduction in

page numbers? 4 5

A. No.

6 Q. What kind of lengths were you writing

A. I think probably three to five pages 8

10 Q. And so Dr. Nikolova's is four pages,

11 right?

12 A. That's right.

13 Q. So is -- I don't see the shortening.

14 Do you?

A. Yes. Because if I disagree or if I 15

want to elaborate on a point I'll need to spend

more time addressing it in my letter. 17

18 Normally the -- the strongest cases

19 have the shortest letters.

Q. They're all adjectives?

21 MR. DOWER: Objection;

22 form.

20

A. I'm sorry. I -- I can't answer that 23

24 question. I haven't done an analysis of my

25 letters.

Q. Or was it a protection for UT's

exposure?

That never occurred to me.

4 Q. Okay. Any other instances where you

5 attempted to keep things verbal instead of in

6 writing?

8

7 A. I'm not recalling any -- any other.

Q. Okay. In the hypothetical having

been Dean for five years, six years -- let me --

10 did we say six?

11 A. I'm in my seventh year right now.

Q. Seventh year. 12

13 In the hypothetical, is there a

14 situation where you would recommend not putting

something in writing to yourself? 15

16 MR. DOWER: Objection;

17 form.

18 A. You mean putting in writing to

myself, so I'm writing a letter to myself? 19

BY MR. NOTZON:

21 Q. No, you're making a -- you know,

you're kind of talking to yourself, "I'd better

23 not put that in writing"?

A. So you're talking about if I have a

promotion review?

266 268 1 Q. Sure. 1 sounded like you were talking about in the 2 A. The only thing that has occurred to 2 general, this is how the process would work and 3 me in my time was the case of the -- the graduate 3 not necessarily in Dr. Nikolova's case; is that 4 students that felt that -- I -- I found out the 4 right? 5 A. It's both. 5 reasons or I spoke to the graduate advisor in 6 that Department to understand the reasons why the 6 Q. Okay. And is this -- that's the way 7 graduate students left and what the concerns were 7 it has happened since you became Dean? related to mentoring because there were a large A. So up until the year Dr. Nikolova was considered, I would go in and I would discuss number of people who left this individual's lab, with the President's Committee every person who 10 and so I did not --11 Q. A person from this year? 11 was being considered. 12 A. Yes. 12 The following year they decided to 13 13 change the policy, so they would tell me which Q. Okay. 14 A. So that's the only time when I 14 one of the candidates they wanted me to discuss. 15 thought, "I don't want to put this in writing, I 15 Q. Okay. And that was this year? A. That was this year and also last 16 can justify my decision based on other things, 16 17 but I will tell the President's Committee this." 17 year. So -- so the -- the Fall -- the cycle that 18 But that's the only time that I can 18 started in 2019 and also the cycle that started 19 remember having that thought. 19 in 2020. Q. Gotcha. So you've done that two 20 20 Q. So the -- your answer is the only 21 times now? 21 basis for not putting something in writing that 22 you've either used or can think of that would be 22 A. That's correct. 23 appropriate would be the protection of a 23 Q. The -- the -- the two times since Dr. student's privacy? 24 24 Nikolova's time? 25 A. And protecting them from any type of 25 A. Yes. 267 269 1 potential retaliation. Q. Okay. So in Dr. Nikolova's time Q. Okay. As best you can? 2 you -- you went to President's Committee when 3 A. Right. As best as I can remember. 3 they told you it was time to come, and you talked Q. Oh, no, I mean as best as you can 4 with the Committee and the President and you 5 about every candidate from the Engineering 5 protect them. 6 A. That's right, because actually --6 School? 7 that's it; right. 7 A. Yes. And there was some other --8 there were some staff members in the room, too. 8 Q. You only have so much ability. All 9 right. Q. Okay. And did you make a 10 presentation, or was it a question-and-answer 10 Okay. On the President's Committee, 11 did you interact with the President's Committee 11 form? personally? 12 12 A. No, it was more of a question-and-13 A. Yes. So the President's Committee 13 answer. changed their policy this year, also. No, I'm Q. Okay. You're there to answer any and 14 14 sorry. They didn't. I'm sorry. This was the 15 all questions they might have as best you can? 15 16 old policy. 16 A. Correct. 17 So what would happen is I would go in 17 Q. Okay. And -- but now they identify and I would discuss each case with the 18 cases that they want to talk about ahead of time? President's Committee. Then they would ask me 19 19 questions and I would try to -- you know, I'd try 20 Q. So you have to prepare for everybody? 21 to answer those questions to the best of my 21 A. Essentially I have to pre -- I find ability, and then they would -- they would vote. 22 out maybe three days in advance the people they 22 23 And that's an advisory vote to the 23 want to discuss, so, you know, I --24 President that took place there. Q. Okay. And so their job is not to 25 make your job easier, that's right? 25 Q. Let me clarify. So you -- you -- you

1 A. That is correct.

- 2 Q. All right. No surprise.
- 3
- So -- so you go and you would answer
- 4 the questions.
- 5 So presumably -- well, is it true
- 6 that the ones that they don't talk to you about
- 7 could be either they've already decided to --
- what they're going to do positive or negative and
- the ones they want to talk to you about are only
- 10 the ones that are close calls?
- 11 A. No. They only -- the ones they do
- 12 not discuss with me are the ones that are the
- 13 very strong positive cases.
- 14 They discuss all the cases that
- 15 are -- I'd say -- you used the term "close
- 16 calls," so all the cases that are -- where
- they -- yeah, they discuss the ones that are
- closer to the bar and also anyone where there's a 18
- recommendation against promotion. 19
- 20 Q. Okay. Maybe this hasn't happened
- 21 since it's only been two times now, and I -- I
- don't know if it has. Yeah, maybe it has. 22
- 23 Do they talk to you even if they're
- going to vote to promote if you -- if they're
- 25 disagreeing with you, you -- you were

- 1 guestions and provide clarification. And yes, I
- met again after she submitted her final
- arguments.
- 4 The primary concern in her case was
- 5 the sustainability of research funding, and in
- the period between when my letter had been
- submitted and the final arguments were submitted,
- she had received another research grant.
- 9 So that was considered to be
- sufficient evidence of sustainable research
- program, and they decided to change their vote.
- 12 Q. Because you had no other basis to
- 13 recommend denial?
- 14 A. The -- the primary concern in her
- 15 case -- and I -- I did not review all the details
- of the case -- was the sustainability of her 16
- 17 research funding.
- 18 Q. Okay. When the President's Committee
- 19 decides, you are not present; is that right?
  - A. For the past two years that is the
- 21 case, right; that is correct.
  - Q. But --

20

22

- 23 A. Before that -- well, the -- the
- Committee doesn't decide. The Committee vote is
- a recommendation to the President, so -- but in

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- recommending non-promotion?
- 2 A. Are you referring to the case in
- Biomedical Engineering from last year? 3
- 4 Q. What was the name again?
- A. Janet Zoldan -- "Zoldan." 5
- 6 Q. Yeah, uh-huh, that's right.
- A. So the Committee made an initial
- recommendation to -- the -- the term they use is
- "terminal appointment pending."
- 10 Q. (Nodding head affirmatively.)
- 11 A. Janet submitted final arguments, the
- 12 Committee reviewed the final arguments, they met
- with me again, and they changed their mind based 13
- 14 on her final arguments.
- Q. Okay. So there was an initial -- you 15
- went in, talked to them about her case, and y'all
- agreed to terminal, and then she wrote the final 17
- arguments, you went back in to have a 18
- conversation, and based upon that and whatever 19
- 20 her arguments were, they reversed?
- 21 A. So I am not part of the decision-
- 22 making process. I want to make sure that's
- clear. 23
- 24 Q. Thank you.
- 25 A. I -- I do not vote; I only answer

- 1 the past, from 2018/'19 academic year and
  - earlier, the Committee would vote while the Dean
  - was in the room.
  - Q. Okay. So you were there for the vote
  - 5 for Dr. Nikolova?
  - 6 A. I was, yes.
  - 7 Q. And what was their vote at that time?
    - A. There were zero in favor of promotion
  - 9 and five against promotion.
  - 10 Q. Okay.

- 11 A. And as I mentioned, that vote is
- advisory to the President, so that is not 12
- 13 reported anywhere.
- 14 Q. Right.
- 15 A. I was present so I can report to my
- 16 direct knowledge of that vote.
- 17 Q. And the President's decision -- the
- President's Committee consideration and decision
- and the President's decision are all not
- documented, correct?
- 21 A. That is correct.
  - Q. Okay. When do you recall was the
- first time that Dr. Nikolova, specifically her,
- had raised issues of gender or pregnancy bias
- associated with her application for tenure?

	274			276
1	A. So I I don't remember if it was in	1	pregnancy bias concerns elsewhere than those	
2	her the supplemental information she submitted	2	three documents?	
3	to the President or a part of the the final	3	MR. DOWER: Objection;	
4	arguments for CCAFR review.	4	form.	
5	So I don't remember if it came before	5	A. Well, she filed the lawsuit, so there	
6	or after the President's my first meeting with	6	was certainly that.	
7	the President's Committee, but I believe it	7	BY MR. NOTZON:	
8	happened sometime in that period.	8	Q. During that period of time. Sorry.	
9	Q. Sometime after your decision, but	9	A. Right; yeah.	
10	before the CCAFR decision?	10	Q. Good good catch.	
11	A. Well, that would bracket that	11	A. You know, we talked about how she	
12	would certainly bracket it, yes.	12	engaged the faculty.	
13	Q. Can you bracket it short? Thinner?	13	Q. Yeah.	
14	A. No, I'm sorry, I I just don't	14	A. So there was definitely an email that	
15	you know, she wrote a number of different	15	came out a flurry of emails then.	
16	documents, and I don't have it committed to	16	Again, that's amongst the many	
17	memory as to when that actually came up, but I	17	documents that were in that same general period,	
18	believe it came up and my document was dated	18	and I just don't remember which one which one	
19	the 20th of November.	19	was the first one it was raised in.	
20	I believe the final decision by the	20	Q. Okay. And I'm just raising that	
21	President was sometime I think in April. So I	21	to just to jog your memory that there were	
22	think it's in that timeframe, but I I don't	22	these emails that she may have raised that that	
23	remember the details. I'm sorry.	23	may have also been the source.	
24	Q. Okay. Could it be between your	24	I just didn't know if you felt that	
25	November 20th evaluation and the President's	25	was the case or not.	
1	initial agreement with you?	1	A So I know there were a series of	277
	initial agreement with you?	1 2	A. So I know there were a series of	277
2	initial agreement with you?  A. Yes. I believe that that	2	corres or written correspondence during that	277
3	initial agreement with you?  A. Yes. I believe that that statement that question is consistent with	2	corres or written correspondence during that period, but I can't pinpoint the exact time	277
2 3 4	initial agreement with you?  A. Yes. I believe that that statement that question is consistent with what I just said, that it was after	2 3 4	corres or written correspondence during that period, but I can't pinpoint the exact time Q. And you're sure	277
3	initial agreement with you?  A. Yes. I believe that that statement that question is consistent with what I just said, that it was after Q. Well, you but I think	2	corres or written correspondence during that period, but I can't pinpoint the exact time Q. And you're sure A or the exact point.	277
2 3 4 5	initial agreement with you?  A. Yes. I believe that that statement that question is consistent with what I just said, that it was after	2 3 4 5 6	corres or written correspondence during that period, but I can't pinpoint the exact time Q. And you're sure	277
2 3 4 5	initial agreement with you?  A. Yes. I believe that that statement that question is consistent with what I just said, that it was after Q. Well, you but I think A. April is when the CCAFR Committee	2 3 4 5 6	corres or written correspondence during that period, but I can't pinpoint the exact time Q. And you're sure A or the exact point. Q. I'm sorry. And you're sure you never	277
2 3 4 5 6 7	initial agreement with you?  A. Yes. I believe that that statement that question is consistent with what I just said, that it was after Q. Well, you but I think A. April is when the CCAFR Committee when the President would have made the decision	2 3 4 5 6 7	corres or written correspondence during that period, but I can't pinpoint the exact time Q. And you're sure A or the exact point. Q. I'm sorry. And you're sure you never heard it from her directly verbally?	277
2 3 4 5 6 7 8	initial agreement with you?  A. Yes. I believe that that statement that question is consistent with what I just said, that it was after Q. Well, you but I think A. April is when the CCAFR Committee when the President would have made the decision on CCAFR, and so	2 3 4 5 6 7 8	corres or written correspondence during that period, but I can't pinpoint the exact time Q. And you're sure A or the exact point. Q. I'm sorry. And you're sure you never heard it from her directly verbally? A. Well, Dr. Nikolova I believe since	277
2 3 4 5 6 7 8 9	initial agreement with you?  A. Yes. I believe that that statement that question is consistent with what I just said, that it was after Q. Well, you but I think A. April is when the CCAFR Committee when the President would have made the decision on CCAFR, and so Q. No, I'm talking about the President's	2 3 4 5 6 7 8 9	corres or written correspondence during that period, but I can't pinpoint the exact time Q. And you're sure A or the exact point. Q. I'm sorry. And you're sure you never heard it from her directly verbally? A. Well, Dr. Nikolova I believe since my letter of of November of 2018, I believe	277
2 3 4 5 6 7 8 9	initial agreement with you?  A. Yes. I believe that that statement that question is consistent with what I just said, that it was after Q. Well, you but I think A. April is when the CCAFR Committee when the President would have made the decision on CCAFR, and so Q. No, I'm talking about the President's first decision to not promote that happened in	2 3 4 5 6 7 8 9	corres or written correspondence during that period, but I can't pinpoint the exact time Q. And you're sure A or the exact point. Q. I'm sorry. And you're sure you never heard it from her directly verbally? A. Well, Dr. Nikolova I believe since my letter of of November of 2018, I believe I've only been in one meeting where Dr. Nikolova	277
2 3 4 5 6 7 8 9 10	initial agreement with you?  A. Yes. I believe that that statement that question is consistent with what I just said, that it was after Q. Well, you but I think A. April is when the CCAFR Committee when the President would have made the decision on CCAFR, and so Q. No, I'm talking about the President's first decision to not promote that happened in like February.	2 3 4 5 6 7 8 9 10	corres or written correspondence during that period, but I can't pinpoint the exact time Q. And you're sure A or the exact point. Q. I'm sorry. And you're sure you never heard it from her directly verbally? A. Well, Dr. Nikolova I believe since my letter of of November of 2018, I believe I've only been in one meeting where Dr. Nikolova was present.	277
2 3 4 5 6 7 8 9 10 11 12	initial agreement with you?  A. Yes. I believe that that statement that question is consistent with what I just said, that it was after Q. Well, you but I think A. April is when the CCAFR Committee when the President would have made the decision on CCAFR, and so Q. No, I'm talking about the President's first decision to not promote that happened in like February. A. Right. And that's what I'm saying.	2 3 4 5 6 7 8 9 10 11 12	corres or written correspondence during that period, but I can't pinpoint the exact time Q. And you're sure A or the exact point. Q. I'm sorry. And you're sure you never heard it from her directly verbally? A. Well, Dr. Nikolova I believe since my letter of of November of 2018, I believe I've only been in one meeting where Dr. Nikolova was present. That was a Zoom meeting with	277
2 3 4 5 6 7 8 9 10 11 12 13	initial agreement with you?  A. Yes. I believe that that statement that question is consistent with what I just said, that it was after Q. Well, you but I think A. April is when the CCAFR Committee when the President would have made the decision on CCAFR, and so Q. No, I'm talking about the President's first decision to not promote that happened in like February. A. Right. And that's what I'm saying. I don't remember when she brought the topic up,	2 3 4 5 6 7 8 9 10 11 12 13	corres or written correspondence during that period, but I can't pinpoint the exact time Q. And you're sure A or the exact point. Q. I'm sorry. And you're sure you never heard it from her directly verbally? A. Well, Dr. Nikolova I believe since my letter of of November of 2018, I believe I've only been in one meeting where Dr. Nikolova was present. That was a Zoom meeting with Assistant Professors and Dr. Marculescu, so I was	277
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18

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A. So Ahmed Tewfik may have -- we may

2 have discussed that this was a concern that had

3 been raised.

1

8

4 He was -- if -- if it was -- to my

5 recollection, he was alerting me to the issue. I

6 did not -- in my recollection, I don't believe

7 that he said "I agree with that assessment."

And I -- I think I've already said

9 that I -- I did not get any direct emails or have

10 correspondence with anyone after the decision.

11 Q. Okay. Was -- from your recollection

12 of Chair Tewfik's communication with you that

13 you've just described, was he conveying to you

14 that Dr. Nikolova had been complaining about

15 gender or pregnancy bias, or that he was

16 concerned about there being the presence of

17 gender or pregnancy bias in what had been

18 happening with Dr. Nikolova's case?

19 A. He was conveying that she had

20 expressed concerns about gender and/or pregnancy

21 bias.

2

3

22 Q. Okay. Do you recall anyone

23 expressing agreement or concern -- agreement with

24 Dr. Nikolova or concern that on their own

25 perception that gender or pregnancy bias may be

1 leadership opportunities here at UT Austin.

But I -- I had the opportunity to be

3 many some leadership roles early in my career.

Q. And the leadership roles you were in

5 early in your career, they were general

6 population groups, in other words, male and

7 female?

8 A. Yes. In some cases I may have been

9 the only woman in the room, but there was no --

10 there was no limit on who was in the room.

Q. Okay. It wasn't a female-only kind

12 of association?

A. Correct.

14 Q. Okay. And when you say "hard work,"

15 you're talking about not only what you do and how

16 you produce, but time in and -- and just being

17 present, would that be accurate?

Yes, I believe that's accurate.

19 Q. Would you -- would you say that

20 having a personal life would detract from your

21 ability to be successful?

22 A. When I talk to junior faculty I made

a point of saying they need balance in their

24 lives, and that their personal lives are really

25 important.

279 281

1 afoot in the way Dr. Nikolova was treated?

A. I do not remember that, no.

Q. Okay. I -- I want to show you --

4 well, let me -- let me ask you the question.

5 We had talked about your

6 experience -- your first-time experience with

7 being treated as less than being a woman in

B Engineering, and -- from before, but -- but you

9 said you also felt like you had positive

10 experiences and benefits being a woman in

11 Engineering given the timing at which you have

12 come up through the ranks.

13 What would you say is kind of your

14 secret to -- not secret, but your strategy for

15 succeeding as you have in the field of

16 engineering being a woman?

A. I think hard work is really

18 important. I think I often -- I often advise

19 listening to other people and trying to

20 understand other per -- perspectives is

21 important.

17

22 And then for me I think what was

23 really important was my strong affiliation with a

24 technical society and having leadership

25 opportunities there, and then moving into

1 I made a point of talking with them

2 about this new COVID extension, right? Many of

3 our junior faculty members are trying to home

4 school their children.

5 And I said, "You may not be as

6 productive as you were before, so this is an

7 opportunity for you to designate this and extend

8 your probationary period if it's appropriate for

9 you."

10 So I made a point of saying that

11 family is extremely important and they needed

12 to -- they -- they need to bal -- they need to

13 decide the balance.

14 Q. Okay. And -- and so you recommend

15 that -- that it's okay to put emphasis on the

16 balancing of their professional life with their

17 personal life?

18

A. I believe that to be true.

19 Q. And -- and would it be true that you

20 honor that decision to have balance?

A. Yes, yes, I believe that to be true.

Q. Would it be the case that the other

23 administrators at the University of Texas honor

24 that decision, as well?

25 MR. DOWER: Objection;

	282			284
1	form.	1	A. He's been a Dean longer than I have,	
2	A. So I can't speak for every	2	yes.	
3	administrator at UT Austin, however, I can say	3	Q. Okay. And have you interacted with	
4	that the Provost's Office has been very	4	him about doing things Dean-like and advising him	
5	aggressive, especially this year with all the	5	on how you do things?	
6	disruption due to COVID, to make sure that	6	A. We've we have shared ideas. I	
7	that nontenured or that tenured faculty and	7	mean, we are friends. We we cycle together	
8	also Assistant Professors have have the	8	once a week or so, and we also I'd say he's my	
9	opportunity to designate the their how	9	closest friend amongst the Deans.	
10	disruptive COVID was in their professional lives.	10	Q. Okay.	
11	There are things now that called	11	A. And so I know that I think we I	
12	COVID statements where you don't disclose why	12	was trying to understand more about Fine Arts, he	
13	there was disruption but you talk about how that	13	was trying to understand more about Engineering,	
14	impacted your professional career.	14	and so I know I did share Dr. Nikolova's case	
15	And so I believe that this is	15	with him, and he shared the a case that he	
16	something that is is very important to the	16	found particularly challenging with me.	
17	Provost's Office, as evidenced by the policies	17	Q. Okay. And and so the the	
18	they've implemented.	18	reason you were interacting with each other was	
19	BY MR. NOTZON:	19	just sharing your your challenging issue and	
20	Q. Have you during your career always	20	how you dealt with it?	
21	been supportive of your colleagues spending	21	A. I think I think that was the	
22	personal time on themselves?	22	understanding, yes.	
23	A. I I believe there's balance. So	23	Q. Okay. Let me go ahead and put	
24	if someone is you know, if someone is not	24	this will be Exhibit No. 4, and it should be	
25	fulfilling their job responsibilities, they're	25	arriving in your chat.	
1				
	283			285
1	283 not coming to class because they've taken a	1	A. You're right. I said that.	285
		1 2	A. You're right. I said that.     Q. Okay. So when you when you sent	285
	not coming to class because they've taken a			285
2	not coming to class because they've taken a vacation, that's a lot different than someone who	2	Q. Okay. So when you when you sent	285
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288 286 "I felt that some things were best discussed with

- 2 the Committee."
- 3 When you say "the Committee," which
- 4 Committee are you talking about?
- 5 A. That would be the President's
- 6 Committee.
- 7 Q. Okay. And which issues did you not
- talk about in writing that you talked about 8
- verbally? 9
- 10 A. That's a very good question because I
- 11 don't remember.
- 12 Q. Okay. Did Dean Dempster ask you that
- 13 question?
- 14 A. I don't believe so. He sent me a
- case about a saxophone player that he was -- he 15
- 16 was struggling with.
- Q. And did he agree that putting things 17
- in writing would not be always advisable? 18
- A. I honestly don't remember a follow-up 19
- of the case. 20
- 21 Q. Okay.
- A. I remember talking with him about --22
- 23 so I remember talking with him about his case. I
- don't remember if he had any comments about this
- 25 case at all.

1

1 Illinois.

- 2 The first woman was Kathy French
- who's still a very close friend of mine, which I
- also told you. She had three children -- she has
- three children. I believe two were while she was
- an Assistant Professor. And I told many people
- Kathy's story of how she was grading final exams
- while she was still in the hospital, and I found
- 9 that to be atrocious.
- 10 Q. Yeah.
- 11 A. And so I have been a very strong
- 12 supporter of having a family. I also remember
- having conversations with her of "You can't do
- everything. You have -- you -- you know, you 14
- have family responsibilities. You cannot also be
- 16 doing everything on a professional side."
- 17 So I -- this is something that has
- 18 been important to me throughout my career, and
- while I do not have children, my best friend
- 20 does, and I've seen what she's gone through.
- Q. Do you understand the commitment of 21
- 22 time, energy, emotion, health involved in having
- 23 and raising children?
- 24 MR. DOWER: Objection;
- 25 form.

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So you're right, I did say that. I

- 2 had forgotten completely. I would have to check
- my notes to see if there are things that I --
- that I just don't remember right now. 4
- 5 Q. Okay.
- 6 A. But I -- I know that pregnancy would
- not be one of the issues that would -- would have
- been a concern for me.
- Q. Because that would be illegal?
- A. Well, that would be illegal, but it 10
- 11 also is not consistent with my core belief.
- I believe faculty members need to --12
- 13 should have families.
- 14 Q. Okay. Is it -- is it okay to have
- two pregnancies during your tenured-track time, 15
- or is that a -- a deal-breaker? Is that 16
- exceeding the -- the balance? 17
- A. The University allows a maximum of 18
- 19 two extensions for probationary period.
- 20 Q. So you reckon if you can pop out
- three kids and -- and still keep working, that's 21
- fine? 22
- A. So my -- I told you very early on 23
- 24 that I was the second woman to get a Ph.D. in
- Structural Engineering from the University of

A. Well, I can tell you I have many

- friends who have children and so I've had
- discussions with them.
- I have no direct knowledge because,
- 5 as I told you, I've never been married and I do
- not have any children.
- 7 BY MR. NOTZON:
- 8 Q. So you don't purport to know but you
- 9 empathize?
- 10 A. I definitely empathize.
- 11 (Exhibit 5 marked for identification.)
- 12 BY MR. NOTZON:
- 13 Q. Okay. Let me put something else in
- the chat. And so it's a link to an interview you 14
- 15 did for an award you got last year.
- 16 A. Okay.
- 17 THE COURT REPORTER:
- 18 Exhibit 5; is that correct?
- MR. NOTZON: That's 19
- 20 Exhibit 5, yes.
- 21 A. Okay.
- BY MR. NOTZON:
- 23 Q. So I'm not -- I've never played a

video as part of the deposition, so, you know,

you don't have to -- you're welcome -- I'm

		-		
		290		292
1 ass	suming you you remember this interview?		you would adopt in as part of your testimony	
2	A. I remember the interview. I don't		2 today?	
3 ho	nestly remember any of the questions she asked.	;	A. Yes, even though it seems to	
4	Q. Did you ever see the video?		contradict some of the things I said earlier,	
5	A. No, I didn't.		5 yes. And yeah.	
6	Q. Okay. Well, in in that cases		Q. Do you disagree that it contradicts	
7 you	u're welcome to watch the entire thing.		what you said today?	
8	MR. NOTZON: Tommi,		A. Well, I I was thinking of the	
9	you're you'll you'll have		small group in that small group in Europe when	
10	it as Exhibit 5, so you can, you	1	I made the comment about "Sometimes people will	
11	know, type it out at at your	1	ask you why you're there." I think	
12	leisure.	1:	Q. I think that's consistent.	
13	THE COURT REPORTER:	1:	A. Okay. I think the work life balance,	
14	Generally what we do is I just put a	1.		
15	parenthetical saying "Digital media	1		
16	played," and I	1		
17	MR. NOTZON: And I no	1		
18	problem.	1		
19	THE COURT REPORTER:	1		
20	don't necessarily transcribe it.	2		
21	MR. NOTZON: Okay.	2		
22	MR. DOWER: Robert,			
	·	2	•	
23	could we we take a quick break	2	,	
24	for Sharon to watch the video and	2		
25	see if you have follow-up questions.	2	Q. Oh, when let me let me go ahead	
		291		293
1	MR_NOTZON: That's fine		and put this document up in the the chat for	293
1 2	MR. NOTZON: That's fine.		and put this document up in the the chat for	293
2	And everybody can watch it, yeah.	:	2 Exhibit 6.	293
2	And everybody can watch it, yeah.  MR. SCHMIDT: That's	:	2 Exhibit 6. 3 A. Okay. I have it. I'm sorry.	293
2 3 4	And everybody can watch it, yeah.  MR. SCHMIDT: That's perfect; yeah.	:	2 Exhibit 6.  B A. Okay. I have it. I'm sorry.  Q. Okay. And this is Chair Tew	293
2 3 4 5	And everybody can watch it, yeah.  MR. SCHMIDT: That's  perfect; yeah.  MR. DOWER: Why why	:	2 Exhibit 6. 3 A. Okay. I have it. I'm sorry. 4 Q. Okay. And this is Chair Tew 5 Tewfik's letter in support of tenure for Dr.	293
2 3 4	And everybody can watch it, yeah.  MR. SCHMIDT: That's  perfect; yeah.  MR. DOWER: Why why  don't we just take like whatever	:	2 Exhibit 6. 3 A. Okay. I have it. I'm sorry. 4 Q. Okay. And this is Chair Tew 5 Tewfik's letter in support of tenure for Dr. 6 Nikolova.	293
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296 294

- 1 Q. Okay.
- 2 A. -- in response to my email, because
- 3 that is part of the University guidelines that
- the Dean and the Department Chair need to include
- that sort of information.
- 6 Q. Okay. And this is -- this adds the
- 7 additional information that -- that Dr. Nikolova
- had requested this -- this consideration that she
- go up considering the time that she was a -- a
- 10 faculty member, correct?
- 11 A. That is correct.
- 12 Q. And -- and Chair Tewfik acknowledged
- 13 that -- he doesn't say whether or not he agreed
- 14 to that or not here, does he?
- 15 A. He does not. And actually the
- decision to move the case forward depends on a 16
- vote of the Budget Council. 17
- 18 So therefore it's -- so he is -- he
- is correct that she could have asked for it, but 19
- he -- it would have been -- he did not make a 20
- 21 commitment to her.
- 22 Q. Right. But he doesn't say he did or
- 23 not -- whether he did or not?

A. Correct.

made a commitment to her?

A. So -- hold on a second.

As I remember, Dr. Nikolova was

recruited during the '12/'13 academic year, so I

I -- I don't remember if I asked him

"commitment," what are you understanding that

acknowledgment? A handshake? A written and

notarized document/contract? What -- what are

recruited before I became Dean, so she was

was not part of any discussions at the time.

Q. And when you -- when you say

Are you saying, you know, an

you saying when you say "commitment"?

A. It would have been a -- an oral

A. As -- as I mentioned, the actual

24 would not be a notarized document: it would not

23 of the Budget Council, and so that -- it -- it

22 decision to move a case forward depends on a vote

specifically if there was a commitment.

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means?

19 conversation.

Q. Okay.

25 be stated in the offer letter.

- 24 A. That's -- that correct; right.
- 25 Q. He doesn't say one way or the other?

- I -- I believe that there -- we have
- been putting some information in the offer letter
- lately, but at the time I do not believe it was
- in her offer letter.
- Q. Okay. But you -- if -- if there
- was -- being the professional that you are and --
- and the collegial person that you are -- purport
- yourself to be, you would expect that if he had
- told her that that would be possible, that there
- would be an effort to honor that?
- 11 MR. DOWER: Objection;
- 12 form
- 13 A. I think we have -- I think the -- the
- 14 issue is the President's Committee has had --
- has -- the President at the time that she was
- extended an offer would have been President
- Powers, and, as I spoke earlier, the President's
- Committee had discussed how they were looking at
- early promotion, and it -- their perception or
- their -- their view of early -- of accelerated
- promotion had changed with time. So I'm sorry,
- 22 would you repeat the question? -
- 23 MR. NOTZON: Can you
- 24 help me, Tommi?
- 25 (Previous record read.)

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- A. I believe that the case -- that Ahmed
- Q. And did you talk to him to see if he would have discussed the case with the Budget
  - Council for their consideration.
  - BY MR. NOTZON:
  - 5 Q. So that would be "yes"?
  - 6 A. Yes.
  - 7 Q. Okay. And elsewhere in this pile of
  - paper there is a statement about a commitment to
  - Dr. Heidari, that a commitment was made to her to
  - have her go up considering the time spent at --
  - 11 on faculty elsewhere.
  - 12 Is that commitment also -- was that
  - 13 also a verbal commitment?
  - MR. DOWER: Objection; 14
  - 15 form.
  - 16 A. To the best of my knowledge it was,
  - for the reasons that I stated earlier. 17
  - 18 BY MR. NOTZON:
  - Q. And who was that commitment with and 19
  - to, if you -- if you know?
  - 21 A. Well, the Department Chairs are the
  - people who are negotiating with the faculty
  - members -- with Assistant Professors, so it would
  - 24 have been Jon Olson would have been negotiating
  - with her.

Appx.0747

297

298 300 1 Q. Okay. It wasn't you? 1 two sentences the Budget Council recognized her 2 A. It was not me, no. I -- I do not 2 strong accomplishments and potential, and it goes 3 negotiate with Assistant Professors. 3 on to say "32 Yes, 1 No, 2 Abstain, and 2 4 Q. Okay. I just wanted -- I just didn't 4 Ineligible." 5 know. I -- I didn't know who it was, so... And so that is the full Professors, 5 6 A. Right. 6 and so I -- I could -- I could have said 7 Q. But you had made reference to the 7 "Professors," but to be honest, "Professors" and commitment in your evaluation, I believe. "Budget Council" are synonymous. 8 9 9 So you understood the commitment had Q. No, my -- my question is you credit been made because Chair Olson would have told you 10 the concern from the Budget Council when the 10 concern clearly from Professor Tewfik is only a 11 about it? 12 A. That's correct. 12 couple of Professors. Q. Okay. Do you -- in looking at Chair 13 A. Yes, that is correct. 13 14 Tewfik's letter and from your memory of it -- I'm 14 Q. So you're -- you're equating "couple" assuming you prepared for your deposition today 15 with "32" -- 30 -- actually, "35." That's not 16 16 fair, is it? and reviewing this letter. 17 Would you agree that this is a letter 17 A. So I -- I had a conversation with 18 in support of Dr. Nikolova? 18 Ahmed before he wrote this letter, right after 19 A. I believe it -- it is that, yes, and the vote had come in, and he shared with me the 20 20 comments that were -- the written comments that he states he strongly endorses her promotion. 21 Q. Do you read the letter to be came in as part of that. As I remember, there 22 consistent with a strong endorsement for 22 were four. 23 promotion? 23 And I know that you have these 24 A. I -- I did interpret the letter that 24 because, again, in preparation I saw that --25 25 those comments several times in the documents way, yes. 299 301 Q. Okay. And in your evaluation, 1 that we sent you. 2 Exhibit 2, you say that "The" Budget Committee --There was one comment there that the "Budget Council had expressed concerns about 3 talked about the relatively weak engagement in 4 her weak engagement." 4 the Department, and Ahmed had conveyed to me 5 Do you remember that? 5 orally that he felt that was -- that more than --6 A. I do, yes. 6 that was a common concern amongst the Budget 7 Q. And -- and would you agree that Chair Council, and so I -- I think that was the basis Tewfik's letter does not talk about the Budget 8 of my statement, was an oral con -- discussion Council's concern about a weak engagement? He with him. said "a couple of people" had made comment about 10 10 Q. So do I take it from your testimony 11 just now that you're accusing Professor Tewfik of 12 12 inaccurately documenting the communications he Do you recall that? 13 A. He said -- that is quoting him received from members of the Budget Council? 14 MR. DOWER: Objection; 14 correctly, yes. 15 Q. And that he specifically attributes 15 form. the one negative and two abstentions to those 16 A. So -- so Dr. Tewfik is accurately couple of Professors that raised concerns about 17 rep -- representing the -- the vote that took 17 18 her relatively weak engagement? 18 place at the meeting when Dr. Nikolova's case was 19 A. That is correct. 19 discussed, and there were four comments and there 20 Q. Why would you characterize that as 20 was one -- there were -- and he -- so I believe 21 coming from the Budget Council in total in your 21 he is correct in saying "a couple of Professors." 22 evaluation? Q. He didn't say a couple of Professors 23 A. Oh, I'm -- I'm sorry. The -- the 23 "wrote comments." He said "raised concerns." No Budget Council is the full Professors, so 24 one else raised concerns, according to this their -- that vote -- okay, so if I go up one or 25 letter.

302 1 MR. DOWER: Objection; Q. And did he also convey to you that 2 form. those conversations he had with other full 3 A. So the -- the requirements given by Professors was they were making or disregarding 4 the guidelines for the University are that the the fact that Dr. Nikolova had been pregnant 5 twice? 5 Department Chair needs to document the conversation that takes place in the Budget 6 MR. DOWER: Objection; 7 Council when a vote is being considered. 7 form 8 8 And so he says, "a couple of A. I don't remember ever discussing a 9 Professors raised concerns," and then he link between Dr. Nikolova's performance in the 10 attributed the negative vote and the abstentions, Department and her pregnancy. 11 which would be one "no" and two "abstentions" to 11 BY MR. NOTZON: 12 those concerns. 12 Q. Chair Tewfik specifically references 13 Q. If he's supposed to communicate 13 it in this letter, doesn't he? 14 accurately -- I would assume -- accurately assume 14 A. Well, he -- he noted that she was 15 15 in that communication -- the communications from on --16 Q. Do you want me to point out to you 16 the Budget Council, and you're saying that he verbally told you that it was a general 17 where I'm talking about? 18 concern -- a general consensus among the Budget 18 A. If you don't mind, please. I'd Council that they were worried or concerned about 19 appreciate that. 19 20 Q. I'm talking about at the last 20 her weak engagement, and he doesn't say that at 21 all, he only said, "A couple have raised 21 page, --22 concerns" and he leaves it there and doesn't say 22 A. Okay. 23 anything about a broader concern, but you're 23 Q. -- the long -- the two sentences -saying he did, he told you? 24 24 three sentences under "Service." 25 MR. DOWER: Objection; 25 A. (Witness reviews documents.) So I 303 305 1 interpreted that as -- maybe in two ways. I 1 form. 2 A. So I said --2 mean, one reason why the level of involvement was BY MR. NOTZON: lower was because she actually was a resident in 3 Q. That goes -- that goes back to my California for two semesters. 4 5 question. 5 Q. It doesn't say "professional 6 Are you saying that Chair Tewfik is 6 circumstances," does it? misrepresenting what happened in that Budget 7 A. This says "personal," you're right. Council meeting in this letter in support of Dr. 8 Q. And it says --Nikolova? 9 A. However, there is a personal --10 10 Q. And it says "personal circumstances MR. DOWER: Objection; 11 form. 11 at this stage of her life," which is the time at BY MR. NOTZON: which she is having babies. 12 12 Q. Is that your testimony? 13 13 MR. DOWER: Objection; MR. DOWER: Objection; 14 14 form. 15 15 BY MR. NOTZON: form. A. I am stating in any way that he 16 Q. She could be at the Simons Institute 16 mis -- misrepresented the conversations during in her 50's or 60's or 70's as a professional. 17 that meeting. Isn't it clear that he's referencing her having 18 What he -- he conveyed to me in -two pregnancies during her tenure promotion 19 19 20 orally was that in previous conversations, so it 20 period? 21 occurred prior to this Budget Council meeting, 21 A. So as I told you, I only knew of one pregnancy at the time that I wrote my letter. I 22 that had been some of the conver -- that had been 23 some of the concerns raised by full Professors in did not realize that she was pregnant and when 24 the Department. her second child was born.

25

Because the modified instructional

25 BY MR. NOTZON:

	306			308
1	duties are held at the Department level, and I	1	concerns." And so that could have been an	300
	had told you I didn't know she was pregnant. All		overstatement, I will agree with that.	
3	I knew is she had an uneven teaching load and	3	(Exhibit 7 marked for identification.)	
4	that she she spent two semesters at Berkeley.	4	BY MR. NOTZON:	
5	Now that could happen without her	5	Q. Okay. Let me put up another exhibit.	
6	being pregnant, so the fact so in my mind, she	6	This will be No. 7. I haven't gotten any faster,	
l _		_	even though you've gotten faster.	
7	only had one pregnancy, and that I mean, so I	7		
8	don't think there's I I did not know she	8	Okay. Exhibit 7 should be there.	
9	was pregnant a second time. That did not factor	9	A. I have it. I'm sorry.	
10	into my decision at all.	10	Q. Okay. So earlier in your testimony	
11	Q. Even if it was one pregnancy, it's	11	you took issue with Dr. Nikolova saying that she	
12	still he references a personal circumstance	12	had misrepresented her funding spending I I	
13	at at this stage of her life, and you had a	13	think was the gist of your disagreement with her	
14	conversation you have direct conversations	14	rebuttal of your evaluation.	
15	with Dr. Tewfik about this letter. You could ask	15	Is there anything else that you	
16	him what he means.	16	reviewed in Dr. Nikolova's rebuttal that you	
17	MR. DOWER: Objection;	17	disagreed with factually?	
18	form.	18	MR. DOWER: Robert,	
19	BY MR. NOTZON:	19	I'm going to suggest that we take	
20	Q. You're saying you didn't?	20	a quick break so she can read it,	
21	A. So I had a I did not ask	21	and that way the time won't be	
22	specifically. I had a conversation with him	22	held against you.	
23	because he was not meeting the University	23	MR. NOTZON: Sure.	
24	guidelines for what needed to be included in the	24	MR. DOWER: Okay. Let's	
25	Department Chair's letter.	25	go off off the record.	
	307			309
1	307 So that was why I had the	1	THE COURT REPORTER: We're	309
1 2		1 2	THE COURT REPORTER: We're going off the record at 5:34 p.m.	309
_	So that was why I had the			309
2	So that was why I had the conversation with him, to add the explanation of	2	going off the record at 5:34 p.m.	309
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310

1 direct knowledge of that area. I'd have to check

2 that.

6

3 I also, as I mentioned to you, I did

4 not know that she was pregnant and suffering from

morning sickness at the time I wrote my letter. 5

And then I do have concern -- I -- I

7 disagree, as you -- as we mentioned, about the

funding to sustain a research program. Normally

we don't -- if there is a no-cost extension, the

10 faculty member would have listed that on their CV

11 so that it would indicated when the funding would

12 actually end. That was not done.

13 And then she talked about the fact

that she started in January and that year did 14

15 not -- as a result, that year did not count -- I

16 agree that that is an issue.

17 One of the challenges is that the ECE

is often one of the latest Departments to extend 18

offers, and offers that are not extended by I 19

think it's May 1st, you need to request 20

21 permission from the Provost's Office. And so it

22 could have been done. I was not Dean at the

23 time, so --

24 Q. Requested from the Provost's Office

25 at UT or the other institution? to be 250,000 a year; expected expenses. I

disagree with that.

And then obviously that would impact

the length of time over which her funding

would -- would continue.

6 Q. I -- I -- I assumed you'd already

7 testified about that, but if that's new

information, fine. But I was trying to ask you

if there was anything that you hadn't already

talked about.

11 A. That is -- those are the factual

12 issues that I've already -- that I haven't talked

13 about.

14 Q. Okay. All right. Would you say --

15 and I -- I kind of asked this before, but I --

16 it's just a slightly different question.

17 I asked you if Chair Tewfik was a

18 strong supporter of Dr. Nikolova's promotion to

tenure, and you said based upon his letter, he 19

20

21 I'm asking if in addition to that,

22 because I can read the letter, too, was he off

the record also a strong supporter of her

promotion to tenure, in conjunction with his

letter.

A. His letter was stronger than personal

conversations we had had.

Q. Okay. And what conversations had you

had and when that led you to believe -- and what

-- what were they that led you to believe that he

didn't hold the same personal opinion as he did

7 in writing?

8 A. So we would have had annual

conversations about salary increases as part of

the merit review process. And I'm using "we"

11 here to refer to Jerry Speitel and myself meeting

with Ahmed. 12

13 And in those, he would -- he would

indicate that -- several times, and there were a 14

15 series of these, he mentioned that he did not

think her performance was -- he -- I'm -- I'm

17 sorry. I'm trying to be precise and I apologize.

18 His discussion of her was not as

19 strong as indicated in his letter for promotion.

Q. Okay. And -- and what are the things

21 he said that led you to believe that he was not a

22 strong supporter of her?

23 A. Well, one year the -- the Review

Committee within Electrical and Computer

Engineering ranked about 90 percent of the

311

313

312

A. So the UT Provost's Office could have

2 sent a letter to the Provost at Texas A&M to

request an earlier start. 3

Q. And did they? 4

5 A. No, they didn't. They -- there was a

delay, and that -- that -- technically, that had

an impact on her directly. There's no --

8 Q. Do you know why they didn't ask A&M?

9 A. I don't know. I was not Dean at the

10 time.

19

25

1

11 Q. Okay. So I -- I'm specifically

12 asking for issues that you had with the factual

13 accuracy.

14 A. Right.

Q. So --15

A. Yeah, I'm not -- I think my primary 16

concerns with the factual accuracy are related to 17

the sustainability of her research program. 18

Q. Okay. And other than what you

20 testified to already about how much she has spent

21 and when, is there any other issue that is

22 factually inaccurate in her rebuttal -- that you

think is factually inaccurate -- inaccurate in 23

24 her rebuttal?

A. Right. So she estimated her expenses

314 316 1 faculty members as "exceeds expectations," and A. I've just shared that document as an 2 the University definitions are that "meets 2 Excel spreadsheet. I believe this was shared 3 expectations" should be the norm for the 3 with you earlier. 4 Q. I see it. 4 Department. 5 5 A. Okay. So if I open -- if I look at So Ahmed did a separate review that he -- that he used for the merit allocations, and 6 this document, Dr. Nikolova was considered for 7 promotion in the '18/'19 academic year. 7 he used a scale from 1 to 3, with "1" being highest and "3" being lowest. He assigned her a Q. Yeah. value of 2.5. 9 A. So the most recent review would have 9 10 10 been in the '17/'18 academic year. Both the Q. And that was some year before she 11 Committee and the Department Chair gave her 11 went up? 12 A. Yes, it was. "exceeds expectations," and her merit raise Q. Okay. Let me ask the same question 13 exceeded the raise goal. 13 14 again for the year she went up. 14 So you are correct, that there is an 15 upward trend there. 15 A. May I look at the data, so -- because 16 I'm not remembering -- may -- may I look at my 16 Q. So you had no indication that Chair 17 information? 17 Tewfik was not a strong supporter of her when she 18 Q. What I'm asking is, is there went up for tenure? something that happened during the year that she 19 A. I had past information. I did not 19 went up when he wrote this letter of strong 20 have current information. 20 support for her? Because if she did something 21 Q. Okay. 22 some years ago and she had a trend, as you like 22 A. The --23 to put it, up, I don't think we should be 23 Q. Were you influenced by that past 24 info -- information, that you didn't --24 saddling her with that comment that he made about 25 her back when because you like upward trends. 25 A. I'm sorry. May I complete -- may I 315 317 So the year that she went up, is 1 complete the previous question? Q. I'm sorry. I didn't realize I was 2 there something that you're recalling that you 3 felt like Chair Tewfik was not as strong a 3 interrupting you. I'm sorry. 4 supporter of Dr. Nikolova, if at all, than his 4 A. The only indication I had was, as I 5 letter was? 5 mentioned earlier, is that he indicated the 6 A. May I look at some data I prepared to comments about engagement in the Department was 7 answer that question? more prevalent than as discussed within the 8 Q. Sure. Budget Council. 9 A. (Witness reviews documents.) Okay. 9 So I just want to make that clear. 10 So --10 And then, I'm sorry, your question is? 11 Q. And what are you looking at? 11 Q. Following up on that question, 12 A. So I believe this was also shared 12 that -- did you understand that to be a personal 13 opinion he held, or he was conveying what others 13 with you. This is a spreadsheet. Q. Can you go ahead and put it up? 14 in the Budget Council, from your understanding, 14 15 A. Yes, I will try to do that. Hold on 15 that he was conveying? a second. I will share with everyone, and I 16 My -- my -- my whole questioning apologize, let me -- sorry. It's open, so I need 17 right now is about whether or not him as an 17 18 to close it. individual was not as strong a supporter for Dr. 19 Nikolova as his letter states and as you've 19 Q. I don't think you have to, but -- at least the way I do it. Are you on a -- are you 20 testified his letter states. 21 on a PC or a Mac? 21 A. So I -- my memory of the conversation 22 A. I'm on a PC. Okay. I have just --22 is that he agreed with that sentiment that I just (Exhibit 10 marked for identification.) 23 23 mentioned. 24 BY MR. NOTZON: Q. Okav. Even though in his letter he 25 said it's understandable because of current her 25 Q. Okay.

318 320

1 circumstances at this stage of her life? 1 A. I do not have a memory of that 2 A. Yes. 2 conversation.

3 Q. So he wasn't making that allowance

4 for her in his oral communication with you?

5 A. He did not state that in the

6 conversation --

7 Q. Okay.

A. -- to the best of my memory.

Q. Thank you. Yep, yep.

10 THE COURT REPORTER: Do

we want to mark that as an exhibit,

12 or no?

8

9

11

13

MR. NOTZON: Yes, please.

14 Yeah.

15 THE COURT REPORTER: That

16 will be No. 10. Thank you.

17 BY MR. NOTZON:

18 Q. Before we get to 8 and 9, I wanted to

19 ask you a question on -- I'm not going to go --

20 I -- I don't think I have time to get into the

21 whole salary thing.

22 I just wanted to ask you one question

23 on salary, and that is, I understand that there

24 are four or five first-year Assistant Professors

25 with no teaching experience that are making more

3 Q. Okay. Did those first-year

4 Professors, were they employed last year?

5 A. So one -- I think one problem --

6 potential problem, I don't know -- I don't

7 remember the exact dates, is that they were

8 offered salaries before we knew the merit

9 increases were cancelled.

10 So we were anticipating that there

11 would be a merit increase that would allow us to

12 adjust some of the Assistant Professor salaries,

13 but then that was cancelled due to COVID, as I've

14 mentioned.

15 And when this happens, we -- we have

16 to make it a priority to look at it very

17 carefully the next time we have a merit raise

18 goal.

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19 I -- we do not yet know if there will

20 be a merit raise goal for this -- during this

21 academic year.

22 Q. It -- it could be that I'm just

23 getting tired, but I'm -- I'm not sure if you

24 answered my question. If you did, I'll chalk it

25 up to being tired.

1 money -- have a higher salary than Dr. Nikolova

2 is sitting there with, you know, eight, ten

3 years' experience.

4 Is -- is -- can you explain that?

5 A. I believe that is the case. It is my

6 understanding, and I'm -- I'm giving a

7 generalization here, is that in order to hire

B individuals in some fields where some of the high

9 tech firms are giving starting bonuses and stock

10 options, this has had a big -- this has really

11 upset our salary scale, and so that may be a

12 contributing reason to it.

13 Q. Would she be entitled to this equity

14 adjustment that we were talking about earlier?

15 A. Well, the equity adjustment review

16 occurred during the '19/'20 academic year.

17 Q. Last year.

18 A. Last year. And her salary, as I

19 remember, remained the same. So in our

20 discussions with a -- with the new Department

21 Chair, that would be Diana Marculescu who started

22 in December of 2019, that equity adjustment was

23 not part of that -- did -- did not result from

24 that conversation.

25

Q. Do you know why?

1 Were those first-year Professors with

2 no teaching experience that I've mentioned, the

3 three, four, five or however many of them there

4 are, were they employed for the first time this

5 year, or were they employed for the first time

6 last year, or a little of both?

A. I would have to look at that. I

8 honestly don't know when everyone actually

9 started. We could enter that later if you would

10 like that specific information.

11 Q. Well, I'm -- I'm sure we can look it

12 up. I just was asking if you knew.

13 A. We've had -- we've had -- had a

14 number of faculty hires in ECE over the past few

15 years, and so I would assume -- I know some

16 faculty members started in -- in the Spring of

17 '19, some started in the Spring of 2020.

18 I don't know what their salaries are

19 relative to Dr. Nikolova's. I'd have to look

20 that up.

21 (Exhibit 8 marked for identification.)

22 BY MR. NOTZON:

23 Q. Okay. Let's go ahead and look at

24 Exhibit 8, which is the Dimakis evaluation by

25 you.

321

322 324 1 A. Right. 1 reviewed the -- the guidelines for that year in 2 Q. And so this was a recommendation that 2 particular, but I do --3 you wrote back -- is it your -- the second Q. Okay. 4 year -- your -- your first full-time, Dean? 4 A. I believe that the -- the explanation 5 A. That is correct. 5 or at least the President's interpretation of 6 Q. Okay. And he had only been at UT for what the explanation should be was after this 7 two years? 7 case was considered. Q. Okay. Now if -- if you look at 8 A. I believe that is correct. Actually, 9 his -- in that first -- in that first paragraph, yeah, he's -- it states in there he's been at his 10 it seems confusing to me because it says he had 10 current ranking for one and a half years. 11 Q. Okay. And so the justification 11 three and a half years at USC and one and a half 12 for -- and so how many years early is he? 12 years at UT, and that adds up to five in my math, A. I -- I would have to calculate it, 13 but it says here it would be six. 13 14 Sir. I don't remember. Oh, the cover sheet -- I 14 A. So this addresses the concern that 15 don't believe it's on the cover sheet, so he 15 you raised earlier that the year in which the would be four years early using the current 16 16 review takes place is counted as a year of 17 accounting. probationary service. 18 Q. Okay. 18 What this also points to was my 19 A. But you'll notice that the 19 conversation earlier that this -- this letter was 20 documentation of our current sheet is not the 20 drafted by the Promotion and Tenure Committee, same as this, (indicating), so this is one that 21 and because they are not as familiar with the 22 reflected the changes that had been made in the 22 rules, they would often use, just as this first 23 process. 23 paragraph indicates, terminology that is not 24 Q. But it was still six years back when 24 quite consistent with what the University is you became Dean? 25 expected to see. 323 325 A. The -- the total time in probationary So that's one of the reasons that 2 status would have been -- that's why I looked at 2 I -- I shift away from editing -- this is 3 the form. Like he has two years of probationary 3 factually correct, but it's -- it's not very 4 status here, so this would be four years early, 4 clear. 5 yes. 5 Q. It's using wrong -- it's using wrong 6 Q. Okay. And the justification for his 6 numbers? 7 accelerated consideration was his prior service A. Well, the -- the numbers are correct, at USC, correct? 8 his case -- if the -- if the case is successful 9 A. That is my understanding, yes. and if his time at USC is considered, he will 10 Q. Okay. And is there any other 10 have served as an Assistant Professor for a total 11 justification? 11 of six years, so that is a correct statement. 12 A. Well, I spent quite a bit of time 12 It does not refer directly to 13 telling you that after Provost -- after Provost 13 probationary status as we would now. 14 Q. Okay. Would you also agree that he 14 McInnis came in there had been a lot of 15 discussion about early promotions. is not, according to the term, "meeting a high 16 So this is before that time, so 16 bar on all areas," that he wouldn't meet that 17 President Powers was President, and so this was a 17 standard? different -- I'll call it a different era, but 18 A. No. I believe he would meet that certainly a different President was leaving his 19 standard. 19 20 mark on the promotion and tenure process. 20 Q. Is his funding less than Dr. 21 Q. So at this time you didn't have to 21 Nikolova? 22 explain more than the fact that he had at least A. Well, he raised 3.4 million in 23 six years of a -- of a -- an Assistant Professor 23 research funding over the course of his career, 24 faculty experience under his belt? 24 with his Chair being 1.8. It also -- and it 25 A. I don't believe that I -- I have not 25 occurred earlier, so I --

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1 Q. But Dr. Nikolova's at 1.8.

- 2 A. You asked me was it less.
- 3 Q. Well, if she didn't make it, how can
- 4 he make it? If she didn't make the high bar,
- 5 then how can he at the same funding level?
  - A. So one thing that's not evident here
- 7 which I would have to look at is the -- okay.
- Let me make one more -- let me make a statement.
- 9 I mentioned that one of the things
- 10 the President's Committee started looking at
- 11 during my time as Dean was whether grants
- 12 extended beyond the probationary period.
- 13 So that was not something that we
- were explicitly looking at or that I was asked to 14
- 15 address at the time that this letter was written.
- 16 There was a different Vice President
- for research, and so that was -- I -- I want to 17
- 18 emphasize, you know, a holistic review of every
- 19 case, and I do not go back and try to compare
- year for year. We try to review each case on its 20
- 21 value.

1 right?

5 yes.

she's early, --

A. That is correct.

Nikolova went up, correct?

A. That is correct.

Q. -- or accelerated.

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comments.

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22 (Exhibit 9 marked for identification.)

A. Yes, I believe you are.

Q. And this is a female, right?

A. Yes. Dr. Heidari is -- is a woman,

Q. And she has three years at UT, so

And this is the year before Dr.

Q. And it -- it seems as though -- well.

A. Okay. I'm sorry. I did address that

Provost has specifically asked me to shorten the

Q. And you're saying that that direction

A. After the 2017/'18 review cycle, that

was guidance was given to me. I also believe

that this was not a straightforward case, and so

I took the time to really understand her research

Nikolova's, has more adjectives, has more quotes.

one, the -- the evaluation's longer than Dr.

in my statement earlier. I told you that the

was given in the 2018/2019 year?

- 23 BY MR. NOTZON:
- 24 Q. Okay. Let's go ahead and look at
- Exhibit 9, Dr. Heidari. Am I pronouncing that 25

- 1 funding. It's on Page 3. There are a number of
  - bullet points after that first sentence.
  - That was not clear from her -- from
  - her CV. I also believe that I asked for
  - clarification about the relative competitiveness
  - of some of these brands because I could not find
  - information on the website about it.
    - Q. She got consideration for things,
  - 9 like not re-establishing her research program,
  - not getting funding because of the downturn in
  - the petroleum industry. She got -- she got
  - 12 excuses for her flat spots, would that be
  - 13 accurate?
  - 14 A. She did get excuses for her flat
  - 15 spots, that is correct.
  - 16 Q. And would you agree that her
  - 17 publications are nowhere near Dr. Nikolova's?
  - 18 A. Dr. Nikolova made the point that
  - their h-indices were very different. That is to 19
  - 20 be expected given the nature of their research,
  - so... The petroleum engineering field is much
  - 22 smaller.
  - 23 Q. The citations are very different,
  - 24 too.
  - 25 A. That is correct. But I -- I told you

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- 1 that we do a holistic review of every faculty
  - member, and so citations are -- citations.
  - h-index are some of the factors that have a --
  - have a big impact on -- that are very dependent
  - on the research domain.
  - 6 Q. And other than she had prior

  - her accelerated review?
  - A. I have to admit. I would -- I did not
  - 10
  - 12 There is a discussion of how she -- a
  - 13 commitment -- I'm quoting now the last paragraph
  - 14 on Page 4, "A commitment was made when she was
  - 15 recruited from Texas A&M that her promotion case
  - 16 would be considered in a timely manner."
  - 17 Q. And you said you had gotten that from
  - 18 the Chair?
  - 19 A. Well, I don't negotiate with
  - Assistants and Professors, so I would not -- the
  - 21 Department Chair would make -- would -- would
  - 22 have any type of discussion with them.
  - 23 Q. So -- so the same justification for
  - her going up early. And how early would she be
  - going up?

- experience, was there any other justification for

- remember this when I -- when I read this last
- 11 night.

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	330			332
1	A. She's going up early. She's going	1	Q. Okay.	
2	up I believe it if I look on the first	2	MR. DOWER: Tommi,	
	sheet, it says that she has three years of	3	how much time do we have left?	
4	probationary status; that she'd be going up three	4	THE COURT REPORTER: We're	
5	years early.	5	actually over by about three	
6	Q. Okay. Is is does she have the	6	minutes.	
	full six if you count A&M?	7	MR. NOTZON: Then we will	
8	A. I believe she had four years at A&M,	8	close it down. Thank you very much,	
9	so she would have seven years total in rank.	9	Dean Wood, and	
	-	10		
10	Q. Okay. So her prior experience and a		MR. SCHMIDT: Actually,	
11	commitment would be the reasons for her to be	11	can we stop for one second before	
12	able to go forward, justifying, using your word,		you close it down?	
13	or explaining, using the actual policy word, for	13	Are you okay with like two	
14	the accelerated review; is that right?	14	or three let me can we pause	
15	MR. DOWER: Form.	15	it and let me talk to Robert	
16	Objection; form. Go ahead.	16	off off the record?	
17	A. In this case, yes.	17	MR. DOWER: Sure, yeah.	
18	BY MR. NOTZON:	18	MR. SCHMIDT: If we	
19	Q. Okay. Is that from your	19	if we need to do like a five-minute	
20	understanding, is that sufficient?	20	additional question period, are you	
21	Well, remember I did tell you that	21	okay with that?	
22	the Committee gives feedback every year, and	22	MR. DOWER: As long as	
23	amongst the feedback was that a discussion of how	23	it's not a lawyer's five minutes,	
24	we need to how service at another university	24	because a lawyer's five minutes	
25	should be considered, so, I'll be honest, this	25	MR. SCHMIDT: Yeah, okay,	
1	is they they felt we had too many cases	1	okav.	333
1 2	is they they felt we had too many cases	1 2	okay. MR. DOWER: means 15 to	333
1 2 3	is they they felt we had too many cases going up early, "early" in the sense of how much	1 2 3	MR. DOWER: means 15 to	333
2	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT.	2	MR. DOWER: means 15 to 20. Let's let's try to keep it	333
2 3 4	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT.  Q. Is this another example of that rule	2 3 4	MR. DOWER: means 15 to	333
2 3 4 5	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT.  Q. Is this another example of that rule that changed between '17/'18 and '18/'19?	2	MR. DOWER: means 15 to 20. Let's let's try to keep it to a normal person's five minutes. MR. SCHMIDT: Great.	333
2 3 4 5 6	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT. Q. Is this another example of that rule that changed between '17/'18 and '18/'19? A. That is my memory, yes.	2 3 4 5 6	MR. DOWER: means 15 to 20. Let's let's try to keep it to a normal person's five minutes. MR. SCHMIDT: Great. Okay. Thank you. We'll we'll	333
2 3 4 5 6 7	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT. Q. Is this another example of that rule that changed between '17/'18 and '18/'19? A. That is my memory, yes. Q. So Dr. Nikolova just has really bad	2 3 4 5 6 7	MR. DOWER: means 15 to 20. Let's let's try to keep it to a normal person's five minutes. MR. SCHMIDT: Great. Okay. Thank you. We'll we'll be right back on the record.	333
2 3 4 5 6	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT.  Q. Is this another example of that rule that changed between '17/'18 and '18/'19?  A. That is my memory, yes. Q. So Dr. Nikolova just has really bad luck in all these policy changes?	2 3 4 5 6	MR. DOWER: means 15 to  20. Let's let's try to keep it to a normal person's five minutes.  MR. SCHMIDT: Great.  Okay. Thank you. We'll we'll be right back on the record.  THE COURT REPORTER: We're	333
2 3 4 5 6 7 8	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT. Q. Is this another example of that rule that changed between '17/'18 and '18/'19? A. That is my memory, yes. Q. So Dr. Nikolova just has really bad	2 3 4 5 6 7 8	MR. DOWER: means 15 to 20. Let's let's try to keep it to a normal person's five minutes. MR. SCHMIDT: Great. Okay. Thank you. We'll we'll be right back on the record.	333
2 3 4 5 6 7 8 9	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT.  Q. Is this another example of that rule that changed between '17/'18 and '18/'19?  A. That is my memory, yes.  Q. So Dr. Nikolova just has really bad luck in all these policy changes?  A. She had very bad luck here.	2 3 4 5 6 7 8 9	MR. DOWER: means 15 to  20. Let's let's try to keep it to a normal person's five minutes.	333
2 3 4 5 6 7 8 9	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT.  Q. Is this another example of that rule that changed between '17/'18 and '18/'19?  A. That is my memory, yes. Q. So Dr. Nikolova just has really bad luck in all these policy changes?  A. She had very bad luck here. Q. Okay. Had nothing to do with any	2 3 4 5 6 7 8 9	MR. DOWER: means 15 to  20. Let's let's try to keep it to a normal person's five minutes.	333
2 3 4 5 6 7 8 9 10	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT.  Q. Is this another example of that rule that changed between '17/'18 and '18/'19?  A. That is my memory, yes. Q. So Dr. Nikolova just has really bad luck in all these policy changes?  A. She had very bad luck here. Q. Okay. Had nothing to do with any other basis?	2 3 4 5 6 7 8 9 10	MR. DOWER: means 15 to  20. Let's let's try to keep it to a normal person's five minutes.	333
2 3 4 5 6 7 8 9 10 11 12	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT.  Q. Is this another example of that rule that changed between '17/'18 and '18/'19?  A. That is my memory, yes. Q. So Dr. Nikolova just has really bad luck in all these policy changes?  A. She had very bad luck here. Q. Okay. Had nothing to do with any other basis? A. No.	2 3 4 5 6 7 8 9 10 11 12	MR. DOWER: means 15 to  20. Let's let's try to keep it to a normal person's five minutes.  MR. SCHMIDT: Great.  Okay. Thank you. We'll we'll be right back on the record.  THE COURT REPORTER: We're going off we're going off the record at 6:29 p.m.  (Recess held from 6:29 p.m. to 6:34 p.m.)  THE COURT REPORTER: We are back on the record at 6:34 p.m.	333
2 3 4 5 6 7 8 9 10 11 12 13	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT.  Q. Is this another example of that rule that changed between '17/'18 and '18/'19?  A. That is my memory, yes. Q. So Dr. Nikolova just has really bad luck in all these policy changes?  A. She had very bad luck here. Q. Okay. Had nothing to do with any other basis?  A. No.  MR. DOWER: Objection;	2 3 4 5 6 7 8 9 10 11 12 13	MR. DOWER: means 15 to  20. Let's let's try to keep it to a normal person's five minutes.	333
2 3 4 5 6 7 8 9 10 11 12 13	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT.  Q. Is this another example of that rule that changed between '17/'18 and '18/'19?  A. That is my memory, yes. Q. So Dr. Nikolova just has really bad luck in all these policy changes?  A. She had very bad luck here. Q. Okay. Had nothing to do with any other basis?  A. No.  MR. DOWER: Objection; form.  BY MR. NOTZON:	2 3 4 5 6 7 8 9 10 11 12 13	MR. DOWER: means 15 to  20. Let's let's try to keep it to a normal person's five minutes.	333
2 3 4 5 6 7 8 9 10 11 12 13 14 15	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT.  Q. Is this another example of that rule that changed between '17/'18 and '18/'19?  A. That is my memory, yes. Q. So Dr. Nikolova just has really bad luck in all these policy changes? A. She had very bad luck here. Q. Okay. Had nothing to do with any other basis? A. No.  MR. DOWER: Objection; form. BY MR. NOTZON: Q. Professor I mean, Dr. Heidari, she	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. DOWER: means 15 to  20. Let's let's try to keep it to a normal person's five minutes.	333
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT.  Q. Is this another example of that rule that changed between '17/'18 and '18/'19?  A. That is my memory, yes. Q. So Dr. Nikolova just has really bad luck in all these policy changes? A. She had very bad luck here. Q. Okay. Had nothing to do with any other basis? A. No.  MR. DOWER: Objection; form.  BY MR. NOTZON: Q. Professor I mean, Dr. Heidari, she did not have any modified instructional duties,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. DOWER: means 15 to  20. Let's let's try to keep it to a normal person's five minutes.	333
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	is they they felt we had too many cases going up early, "early" in the sense of how much time was spent at UT.  Q. Is this another example of that rule that changed between '17/'18 and '18/'19?  A. That is my memory, yes. Q. So Dr. Nikolova just has really bad luck in all these policy changes?  A. She had very bad luck here. Q. Okay. Had nothing to do with any other basis?  A. No.  MR. DOWER: Objection; form. BY MR. NOTZON: Q. Professor I mean, Dr. Heidari, she did not have any modified instructional duties, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. DOWER: means 15 to  20. Let's let's try to keep it to a normal person's five minutes.	333
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336 334 1 information that I would have sheared was that happened at the Engineering College? 2 in -- in personal con -- conversations with me, 2 A. I believe that's correct, yes. 3 Dr. Tewfik was not as positive as he was in his 3 Q. Okay. 4 4 letter. MR. NOTZON: Are you comfortable with that, Ben? 5 Q. Okay. So you conveyed that to the --5 6 the President's Committee? 6 MR. DOWER: Yeah, I 7 A. I believe that is the information 7 mean, as -- as long as it's that I conveyed to the President's Committee. 8 8 within scope of the topic, you 9 9 Q. Okay. Do you recall any questions know, then I'm -- I'm comfortable 10 10 from the President's Committee or concerns that with it, and I suppose if we 11 they had? 11 later have a fight about whether 12 A. There were -- there were a number of 12 one in particular line is part 13 questions about teaching, but that is always the 13 of the topic or not, as long as 14 14 you agree that I'm not waiving case. 15 15 I think the -- they had questions the ability to have that fight 16 16 about research funding also, so we talked about when the time comes, I'm that. I'm not sure I remember -- I have some 17 comfortable doing it this way, 17 follow-up notes that I made afterwards if -- will 18 and that way we won't --18 19 MR. NOTZON: That's 19 you give me a minute to look for those notes and then I can --20 20 reasonable, yeah. 21 21 Q. Sure. MR. DOWER: Yeah, okay. 22 A. Okay. 22 MR. NOTZON: If I -- if 23 Q. As long as Ben doesn't count these as 23 I -- if I misrepresent that it's a 24 lawyer minutes. 24 college issue and you say, "Wait, this is something else," yeah, 25 MR. DOWER: I mean, I --25 335 337 I will see. I'm okay with that. 1 1 MR. NOTZON: Since --2 2 MR. DOWER: And --3 3 since I'm not actually -and -- and it should be -- you 4 THE WITNESS: You're 4 know, and I'm not saying 5 5 not asking, right. misrepresent. There could be a 6 MR. DOWER: You know 6 reasonable difference of opinion, 7 7 what? I -- I have a timer running, but either way, as long as you 8 8 but I'm willing to early stop the agree that we're not waiving the 9 timer for this. 9 objections if we have that fight A. So I apologize. The -- the document 10 later, it's fine with me. 10 11 I'm thinking of I do not have immediate access 11 MR. NOTZON: Absolutely. to, so maybe send that to you at a later date 12 12 Okav. 13 through -- through Ben. 13 BY MR. NOTZON: MR. DOWER: Yeah, and 14 14 Q. And the follow-up with the -- the 15 if -- if we haven't already produced 15 testifying as UT on the salaries, I wanted to 16 it, we will produce it. ask -- so we've already -- I've already asked you 17 MR. NOTZON: Thanks. some questions about salaries with those first-18 BY MR. NOTZON: 18 year Professors. Q. Okay. And then just two follow-ups. 19 Do you adopt those as UT, as well? 19 20 The -- on the Corporate Rep side for the 20 A. As UT, I -- you probably would like 21 promotion candidacy of Dr. Nikolova, speaking as 21 a -- I believe you have a spreadsheet. 22 UT, do you adopt Dean Wood's testimony about the 22 THE WITNESS: Ben, do 23 23 issues that you engaged in as the Dean and that they have the spreadsheet of 24 the P&T Committee that you testified about, are 24 salaries? 25 25 those consistent with UT's position on what MR. DOWER: Yeah.

	338			340
1	A. So you have the spreadsheet of	1	MR. NOTZON: That's	
2	salaries. I I believe that combined with my	2	correct.	
3	testimony is correct.	3	THE COURT REPORTER: Okay.	
4	MR. NOTZON: Okay. Let	4	(Discussion held off the record.)	
5	me let me let's go ahead and	5	MR. NOTZON: Can you	
6	make that an exhibit. And that	6	all right. Let's go off the	
7	where is that? I think well,	7	record real quick.	
8	I	8	THE COURT REPORTER: We're	
9	MR. DOWER: Well, you	9	going off the record at 6:40 p.m.	
10	know what, Robert? You've got	10	(Recess held from 6:40 p.m. to 6:42 p.m.)	
11	the spreadsheet. When the time	11	THE COURT REPORTER: Okay.	
12	comes, the spreadsheet is what	12	We're going back on the record at	
13	it is, and we produced it to	13	6:42 p.m.	
14	you.	14	BY MR. NOTZON:	
15	MR. NOTZON: Okay.	15	Q. Okay. So Dean Wood, as UT, do you	
16	All right.	16	have a reason why Dr. Nikolova is paid less than	
17	BY MR. NOTZON:	17	everybody except for one Assistant Professor?	
18	Q. So you adopt you'll and and	18	A. As UT, this is based on a	
19	that	19	recommendation from the Department Chair, based	
20	MR. NOTZON: That	20	on evaluations of faculty members.	
21	spreadsheet is not identified here.	21	Q. So	
22	That's the problem I'm having.	22	A. So I'm sorry. Let me let me	
23	MR. DOWER: Okay.	23	provide a little more clarification for you.	
24	A. You know what? I just found it.	24	Q. I'm asking UT, and if UT is telling	
25	BY MR. NOTZON:	25	my I've got to talk to somebody else,	
	339			341
1	339 Q. Okay.	1	A. No, no. What I'm saying is within	341
2			the Cockrell School of Engineering we have a	341
	Q. Okay. A. So why don't I share it, if that's okay.		the Cockrell School of Engineering we have a process where the Department Chair makes a	341
2 3 4	<ul><li>Q. Okay.</li><li>A. So why don't I share it, if that's okay.</li><li>Q. That that would be perfect.</li></ul>	2 3 4	the Cockrell School of Engineering we have a process where the Department Chair makes a recommendation, then it gets reviewed by the Dean	341
2 3 4 5	<ul><li>Q. Okay.</li><li>A. So why don't I share it, if that's okay.</li><li>Q. That that would be perfect.</li><li>A. Okay.</li></ul>	2 3 4 5	the Cockrell School of Engineering we have a process where the Department Chair makes a recommendation, then it gets reviewed by the Dean and the Associate Dean of Academic Affairs.	341
2 3 4 5 6	<ul> <li>Q. Okay.</li> <li>A. So why don't I share it, if that's</li> <li>okay.</li> <li>Q. That that would be perfect.</li> <li>A. Okay.</li> <li>Q. And then I just wanted to ask one</li> </ul>	2 3 4 5 6	the Cockrell School of Engineering we have a process where the Department Chair makes a recommendation, then it gets reviewed by the Dean and the Associate Dean of Academic Affairs.  There's an iteration, and then that	341
2 3 4 5 6 7	<ul> <li>Q. Okay.</li> <li>A. So why don't I share it, if that's</li> <li>okay.</li> <li>Q. That that would be perfect.</li> <li>A. Okay.</li> <li>Q. And then I just wanted to ask one</li> <li>follow-up question with that.</li> </ul>	2 3 4 5 6 7	the Cockrell School of Engineering we have a process where the Department Chair makes a recommendation, then it gets reviewed by the Dean and the Associate Dean of Academic Affairs.  There's an iteration, and then that sets the salary. And so that is that was the	341
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	342			344
			2000	344
1	this particular case		BY MR. DOWER:	
2	Q. Exhibit 10 now?	2	Q. I wasn't going to ask anything, but	
3	A. Exhibit 10, I'm looking at the	3	now now I do want to make sure that what Dean	
4	academic year which would have 2018/19 which	4	Wood's said is also properly incorporated into	
5	would impact the raises for 2019/20. Dr.	5	what UT says on the topic of salary, which is	
6	Nikolova received a review of "meets	6	just that when Dean Wood was testifying, she also	
7	expectations" from both the Department Chair and	_	had an observation about an expected merit bump	
8	the Committee.	8	that didn't come to pass because of COVID, and so	
9	The merit raise goal was 3 percent,	9	I guess I'm asking UT as the Corporate Rep to	
10	and she was given a merit raise of 3 percent, so	10	clarify: Did that affect the 2019 to 2020 year,	
11	she was given the merit raise goal. And that was	11	or was that after that?	
12	a typical raise in the Department for someone who	12	A. That would have been after that.	
13	"meets expectations."	13	That would have been the 2020/2021 academic year.	
14	Q. So but that doesn't answer the	14	MR. DOWER: Okay, okay.	
15	question as to why she's lower than everybody	15	In that case, pass the witness.	
16	except one Assistant Professor.	16	MR. NOTZON: I'll pass.	
17	A. Right. So in in some cases	17	MR. SCHMIDT: Okay. We	
18	Q. That's that's what I'm that's	18	are done. Thank you.	
19	my question.	19	THE COURT REPORTER: We're	
20	A. Right. So the the salaries	20	going off we're going off the	
21	in the Department have been bumped up because	21	record at 6:48 p.m.	
22	of because of the competition from the high	22	(Deposition concluded at 6:48 p.m.)	
23	tech industry. As I mentioned before, they give	23		
24	signing bonuses and they give stock options.	24		
25	And it appears that other people's	25		
	343			
	343			345
1	salaries were kept ahead of the incoming people,	1	CHANGES AND SIGNATURE	345
1 2			CHANGES AND SIGNATURE SHARON L. WOOD, Ph.D. MARCH 18, 2021	345
_	salaries were kept ahead of the incoming people,			345
2	salaries were kept ahead of the incoming people, and Dr. Nikolova's is slightly behind the	2	SHARON L. WOOD, Ph.D. MARCH 18, 2021	345
2 3	salaries were kept ahead of the incoming people, and Dr. Nikolova's is slightly behind the incoming people.	2	SHARON L. WOOD, Ph.D. MARCH 18, 2021 PAGE LINE CHANGE REASON	345
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2 3 4 5	salaries were kept ahead of the incoming people, and Dr. Nikolova's is slightly behind the incoming people.  Q. Okay. So everybody that is higher than her is a high tech beneficiary?	2 3 4 5	SHARON L. WOOD, Ph.D. MARCH 18, 2021 PAGE LINE CHANGE REASON	345
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1		(	CHANGES AND SIGNATURE		
2	SHARON	L. WOOD	, Ph.D. MARCH 1	8, 2021	
3	PAGE	LINE	CHANGE	REASON	
4	18	11	"Kathy" should be "Cathy"	spelling	
5	_21	_18	"woman" should be "women"	error	
6	_22	25	"1983/'84" should be "1983-84"	spelling	
7	23	6	"and" should be "in"	spelling	
8	_29	15	"Mendez" should be "Fenves"	spelling	
9	_34	2	"engineering" should be "engineer"	spelling	
10	_38	7	"Mosey" should be "Mosher"	spelling	
11	_38	24	"Association" should be "Foundation	n" error	
12	_66	16	"meter" should be "leader"	error	
13	67	5	"some" should be "someone"	error	
14	90	6	"fairly" should be "recently"	error	
15	97	15	"Research Professor" should be		
16			"Research Associate Professor"	error	
17	97	25	"PCQ" should be "ECE"	error	
18	98	4 ".	graduates" should be "graduate students"	error	
19	99	25 "	'19/'20" should be "19-20"	spelling	
20	(this san	ne error occi	urs several times on p. 100)		
21	100	12	" '20/'21" should be "20-21"	spelling	
22	102	4 '	'we had to pull up funds" should be	_error	
23			"they put up funds"		
24	_102	13	"important" should be "returned"	error	
25	_104	3	"goal" should be "pool"	error	

				345
1			CHANGES AND SIGNATURE	
2	SHARON	L. WOOD	, Ph.D. MARCH 18, 2021	
3	PAGE	LINE	CHANGE REASON	
4	_104	5	"goals" should be "pools" error	
5	_106	7	"goal" should be "pool" error	
6	-110	16	"putting" should be "put in" spelling	
7	-116	4	"academic" should be "administrative" error	
8	_132	12	"UT's system" should be "UT System" error	
9	_132	16	"Like" should be "Now" error	
10	134	2	" '18/'19" should be "18-19" spelling	
11	_134	3	" '17/'18" should be ""17-18" spelling	
12	_135	16	"promote" should be "promotion" error	
13	_136	11	"earlier" should be "early" error	
14	_142	15	" '18/'19" should be "18-19" spelling	
15	_142	25	" '17/'18" should be "17-18" spelling	
16	_142	25	" '18/'19" should be "18-19" spelling	
17	_143	3	" '17/18" should be "17-18" spelling	
18	_146	2	"UT's system" should be "UT System" spellling	
19	_149	25	" '18/19" should be "18-19" spelling	
20	_152	24	"very slimline" should be "incomplete" error	
21	_166	1	" '18/19" should be "18-19" spelling	
22	_167	13	" '16/'17" should be "16-17" spelling	
23	168	16	"well" should be "bar" error	
24	173	25	"system" should be "System" spelling	
25	_174	2	"system" should be "System" spelling	

				345
		CHANGES AND SIGNATURE	1	
SHARON	L. WOOI	D, Ph.D.	IARCH 18, 2021	
PAGE	LINE	CHANGE	REASON	
174	25	" '18/'19" should be "18-19"	spelling	
_176	_4	"system" should be "System"	spelling	
176	_6	" '13/'14" should be "13-14"	spelling	
176	11	"UT's system" should be "UT S	ystem's" spelling	
176	13	"system" should be "System"	spelling	
_176	21	"system" should be "System"	spelling	
189	13	" '18/'19" should be "18-19"	spelling	
196	24	"jut" should be "just"	spelling	
197	10	"Committee" should be "Coun	cil" error	
206	44	"after" should be "factor"	error	
218	19	"Greg" should be "Brent"	error	
219	4	"found" should be "find"	error	
223	16	" 'bout" should be "about"	spelling	
231	24	"and" should be "in"	error	
234	13	" '13/'14" should be "13-14"	spelling	
234	13	" '13/'15" should be "14-1:	5" spelling	
247	1	Mr. Notzon stated that I i	ncluded in my statement	
		"a couple of times" that I	Dr. Nikolova was pregnant.	
		This statement is incorrec	t. I only noted her pregnar	ncy
		once in footnote 1 on p. 2	· error	
247	6	" '15/'16" should be "15-	-16" spelling	
247	25	"'15/'16" should be "15-	-16" spelling	
	PAGE  174  176  176  176  176  176  189  196  197  206  218  219  223  231  234  247	PAGE LINE  174 25  176 4  176 6  176 11  176 13  176 21  189 13  196 24  197 10  206 4  218 19  219 4  223 16  231 24  234 13  234 13  247 1	SHARON L. WOOD, Ph.D.         M. D.           PAGE LINE         CHANGE           174         25         "'18/'19" should be "18-19"           176         4         "system" should be "System"           176         6         "'13/'14" should be "I3-14"           176         11         "UT's system" should be "System"           176         13         "system" should be "System"           176         21         "system" should be "System"           189         13         "'18/'19" should be "I8-19"           196         24         "jut" should be "just"           197         10         "Committee" should be "Gound be "	PAGE   LINE   CHANGE   REASON

					345
1		C	HANGES AND SIGNATURE		
2	SHARON	L. WOOD,	Ph.D. MARCH	18, 2021	
3	PAGE	LINE	CHANGE	REASON	
4	252	5	"associate, Dean Julien" should be	<del></del>	
5			"Associate Dean Julien"	spelling	
6	259	17	"of" should be "or"	error	
7	272	1	"2018/'19" should be "2018-19"	spelling	
8	288	2	"Kathy" should be "Cathy"	spelling	
9	288	7	"Kathy" should be "Cathy"	spelling	
10	295	7	" '12/'13" should be "12-13"	spelling	
11	303	16	"not" is missing from "I am <not< td=""><td>t&gt;" error</td><td></td></not<>	t>" error	
12	316	7	" '18/'19" should be "18-19"	spelling	
13	316	10	" '17/'18" should be "17-18"	spelling	
14	319	16	" '19/'20" should be "19-20"	spelling	
15	320	20	"goal" should be "pool"	error	
16	_321	17	" '19" should be "2019"	spelling	
17	325	24	"Chair" should be "share"	error	
18	327	22	"2017-'18" should be "2017-18"	8" spelling	
19	329	20	"Assistants and Professors" shou	ıld be	
20			"Assistant Professors"	spelling	
21	331	5	" '17/'18" should be "17-18"	spelling	
22	331	5	" '18/19" should be "18-19"	spelling	
23	331	24	"she's" should be "she was"	error	
24	342	4	"2018/'19" should be "2018-19	" spelling	
25	342	5	"2019/'20" should be "2019-20	)" spelling	

							345
1		C	HANGES AND SIGNATUR	RE			
2	SHARON	L. WOOD,	Ph.D.	MARCH	18, 2021		
3	PAGE	LINE	CHANGE		REASON		
4	342	9	"goal" should be "pool"		error		
5	342	11	"goal" should be "pool"		error		
6	344	13	"/" should be "-"		spelling		
7	135	14	"it" should be "the extension	n"	clarify pron	oun	
8	135	16	"it" should be "their promot	ion case"	clarify pr	onoun	
9							
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3	DocuSigned by:	
4	Sharon L. Wood  BAA263A766FC47B	
5	SHARON L. WOOD, Ph.D.	
6	STATE OF <u>Texas</u> )	
7	COUNTY OF <u>Travis</u> )	
8		
9	Subscribed and sworn to before me by the	
10	said witness, SHARON L. WOOD, Ph.D., on this the	
11		
12	subject to the aforementioned corrections/	
13	changes, if any:	
14	Notary Seal Digital Certificate	
15	LAURA REDD	
16	Notary ID 288273-1 My Commission Expires  DocuSigned by:	
17	9/1/2023 Jana Redd	
18	Notary W/O Bond	
19	Notary Public in and for the State of <u>Texas</u>	
20		
21	My Commission Expires:09/01/2023	
22		
23		
24		
25		

347 1 REPORTER'S CERTIFICATE 2 I, TOMMI RUTLEDGE GRAY, TEXAS CSR NO. 3 1693, Certified Shorthand Reporter, Registered 4 Professional Reporter, and Certified Realtime Reporter, certify: 5 That pursuant to the 36th Emergency Order 6 7 Regarding the COVID-19 State of Disaster, 8 Paragraphs 3.c. and 3.d, the foregoing 9 proceedings were taken remotely before me via 10 Zoom videoconferencing, at which time the witness 11 was remotely put under oath by me; 12 That the testimony of the witness, the 13 questions propounded, and all objections and statements made at the time of the examination 14 15 were recorded remotely stenographically by me and were thereafter transcribed; 16 17 That the foregoing 346 pages are a true 18 and correct transcript of my shorthand notes so 19 taken. 20 I further certify that I am not a relative 21 or employee of any attorney of the parties, nor 2.2 financially interested in the action. 23 I further certify that before the 24 completion of the deposition, the Deponent, SHARON L. WOOD, Ph.D., and/or Counsel for the 25

348 Defendant, University of Texas At Austin, 1 \_\_\_XX\_\_\_ did \_\_\_\_\_ did not request to review 2 3 the transcript. I declare under penalty of perjury under 4 the laws of Texas that the foregoing is true and 5 6 correct. 7 Dated this 6th day of April, 2021. 8 9 10 11 TOMMI RUTLEDGE GRAY, Texas CSR 1693 12 Expiration Date: 10/31/21 13 Firm Registration #528 INTEGRITY LEGAL SUPPORT SOLUTIONS 14 P.O. Box 245 Manchaca, Texas 78652 15 Telephone - 512.320.8690 Email - info@integrity-texas.com 16 17 18 19 20 21 22 23 24 ROBERT NOTZON, ESQ.: 07:12 25 BENJAMIN LINDBERG DOWER, ESQ.: 00:01

### UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

EVDOKIA NIKOLOVA,	§	
Plaintiff,	§	
	§	
V.	§	CASE NO. 1:19-CV-00877-RP
	§	
UNIVERSITY OF TEXAS AT AUSTIN,	§	
Defendant.	§	

# PLAINTIFF'S FIRST SUPPLEMENTAL OBJECTIONS AND ANSWERS TO DEFENDANT'S FIRST SET OF INTERROGATORIES

TO: Defendant, by and through its attorneys of record, Benjamin L. Dower, Assistant Attorney General, Office of the Attorney General, General Litigation Division, P.O. Box 12548, Capitol Station, Austin, Texas 78711-2548, Fax (512) 320-0667, benjamin.dower@oag.texas.gov.

NOW COMES plaintiff Evdokia Nikolova ("Plaintiff" or "Dr. Nikolova") and submits Plaintiff's First Supplemental Objections and Answers to Defendant's First Set of Interrogatories.

Plaintiff refers Defendant to all deposition testimony to be taken in this action. Plaintiff also refers Defendant to all discovery responses and documents produced in discovery or exchanged between the parties, pleadings and documents filed with the Court, and all deposition exhibits in this case. Plaintiff reserves the right to supplement and amend these interrogatory responses in accordance with the Federal Rules of Civil Procedure.

### **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

Plaintiff objects to definition of "Plaintiff," "you" and "your" and it's inclusion of Plaintiff's attorneys, to the extent the definition or any interrogatory attempts to or is construed to seek information that is protected by the attorney-client or work product privileges. Plaintiff hereby raises and asserts the attorney-client and work product privileges in response to any and all



# Title VII: Disparate Impact Claim(s)

# **INTERROGATORY No. 4:**

In paragraph 45 of Plaintiff's First Amended Complaint, you allege: "The probationary extension, the MID policy and other policies and practices applied by UT Austin have the effect

of discriminating against female assistant professors and/or those who become pregnant during their tenure review time period compared with other assistant professors. UT Austin's promotional processes that purport to be facially neutral have been applied in a manner that has resulted in a disparate impact against female faculty and/or pregnant faculty in favor of male or non-pregnant faculty."

Identify and describe the specific policies or practices you contend are responsible for the alleged disparate impact described in paragraph 45 of Plaintiff's First Amended Complaint and describe why you believe the policies or practices cause the disparate impact. In your description, please include the specific language of the policy you contend causes the disparate impact, the category of persons you contend are disparately impacted, and the basis for your contention that the neutral policy has that disparate impact, including by identifying any data or documents that support the contention, if any.

#### **ATTORNEY OBJECTIONS:**

Plaintiff objects to this interrogatory on the grounds that it seeks to have Plaintiff marshal all evidence. Discovery in this case is not completed, nor has evidence been presented at trial. Defendant is in possession or control of almost all documents and witnesses, and the information requested is equally or more available to and in the possession of Defendant. Plaintiff objects to this Interrogatory on the grounds that it is overly broad, vague and ambiguous, including the request to identify specific language of policies and any documents that support Plaintiff's contention. Subject to and without waiving these objections, see the following answer.

#### **RESPONSE:**

Defendant's facially gender-neutral policies and practices that have a disparate impact may include:

The probationary extension and tenure policies and practices, including: Handbook of Operating Procedures 2-2020, Extension of the Tenure Track Probationary Period; Handbook of Operating Procedures 2-2160, Recommendations Regarding Faculty Compensation, Faculty Promotion, Tenure, Renewal of Appointment, or Nonrenewal of Appointment; the Modified Instructional Duty policy in the School of Engineering/ECE Department; and other policies and practices applied by Defendant.

A facially "equal" extension relating to tenure and "equal" reductions in teaching duties for both male professors and for female professors who give birth to a child provides male professors with clear advantages. These advantages include the fact that male professors do not bear the burden of actually giving birth to a child, and consequently do not have to deal with the medical and physical issues surrounding childbirth and time after for physical recovery from childbirth, and other obligations and issues mothers frequently experience in the year following childbirth such as nursing, post-partum depression, etc. Providing male professors with the same extension for tenure and reduction in teaching as a female professors who actually gives birth and is the primary caregiver of the child, effectively allows male professor more time to perform research and all faculty other duties relative to female professors who have children. Additionally, the requirement for visual presence (such as being present at service meetings at the university) when female

faculty are in the last months of pregnancy; after giving birth; and/or while performing nursing duties, requires additional time and effort that burdens faculty who are mothers disproportionate to male faculty.

The Cockrell School of Engineering's facially gender-neutral practice and policy that student teaching evaluation scores should be above 4.0 to be considered acceptable and/or worthy of promotion, and using student evaluations of teaching as an important or determinative factor in tenure promotion decisions disparately impacts female professors due to well-documented, published, and persistent gender biases within students when completing teaching evaluations, because women and pregnant women have been shown to receive lower scores despite contradicting and more compelling evidence of teaching effectiveness. Student teaching evaluations scores have also been shown to be affected by the gender of the students completing the evaluations and disciplines, in addition to the gender of the professor. Plaintiff is teaching in a predominantly male student field of math and science that results in female faculty receiving lower teaching scores than male faculty.

It has also been shown that women are given lower teaching scores when pregnant and while nursing for reasons including physical appearance changes, loss of energy (for example due to morning sickness, other pregnancy issues and pre-birth physical restrictions) and time requirements following birth for breast feeding/milk pumping. This lower teaching score occurred in at least one semester (Fall 2015) when plaintiff was pregnant and teaching an atypical double load of two large classes. Ratings while Plaintiff was pregnant and/or immediately after birth were specifically used by Dean Wood in her negative assessment of Plaintiff's teaching, suggesting that those scores indicated a trend of lower teaching scores, when viewed in conjunction with the policy and/or practice acceptable and/or worthy of promotion.

Plaintiff also refers Defendant to deposition testimony in this case, deposition exhibits, documents produced in discovery, expert witness reports, and pleadings filed.

#### **SUPPLEMENTAL RESPONSE:**

Defendant's tenure policies, practices and procedures for going up for tenure prior to the sixth year of their probationary period at UT have a disparate impact on female professors. *See* Expert Report and Deposition of Shane Thompson and documents produced by UT.

Additionally, there is a typo regarding a date in the fifth paragraph of the RESPONSE above. The reference to 2015 should be 2017 so that the correct sentence should read:

"This lower teaching score occurred in at least one semester (Fall 2017) when plaintiff was pregnant and teaching an atypical double load of two large classes."

#### **INTERROGATORY No. 5:**

Identify all documents provided to, relied upon, or reviewed by any testifying or consulting expert in conducting any analysis of the effects of Defendant's policies or practices on members of a protected class.

# Respectfully submitted,

CREWS LAW FIRM, P.C. 701 Brazos, Suite 900 Austin, Texas 78701 (512) 346-7077 (512) 342-0007 (Fax)

By: /s/ Robert W. Schmidt

Robert W. Schmidt State Bar No. 17775429 schmidt@crewsfirm.com Joe K. Crews State Bar No. 05072500 crews@crewsfirm.com

By: /s/ Robert Notzon

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512-852-4788 fax
Robert@notzonlaw.com

ATTORNEYS FOR PLAINTIFF

# **CERTIFICATE OF SERVICE**

This will certify that a true and correct copy of the above and foregoing document was served in accordance with the Federal Rules of Civil Procedure on June 28, 2021, on the following counsel of record:

Benjamin L. Dower, Asst Atty Gen Amy S. Hilton, Asst Atty Gen General Litigation Division PO Box 12548, Capitol Station (MC019) Austin, TX 78711-2548 Fax (512) 320-0667 benjamin.dower@oag.texas.gov amy.hilton@oag.texas.gov

/s/ Robert W. Schmidt
Robert W. Schmidt

### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

Evdokia Nikolova,	S	
Plaintiff,	\$	
	\$	
V.	S	Civil Action No.: 1:19-CV-00877
	S	
University of Texas at Austin,	S	
Defendant.	S	

Probationary, Tenure Data.xlsx

Microsoft Excel file submitted to the Court on a Flash Drive

2019-20 ECE FACULTY ANNUAL PERFORMANCE REVIEW RATINGS BASED ON MOST RECENT COMPLETED ACADEMIC YEAR (2018-19) ECE Committee Members: Christine Julien (Chair), Constantine Caramanis, Alex Huang, Lizy John, Michael Orshansky, Emanuel Tutuc

Last Name,		Committee		
First Name	Title	Rating	Committee Comments	Chair Rating
Abraham, Jacob	Professor	ME	Dr. Abraham has received competitive research awards and as good research output in terms of conference and journal publications. Most of the graduate students are part-time, and the funding level is modest. Teaching is excellent.	ME
Akinwande, Deji	Professor	EE	Prof. Akinwande has six current grants, a vibrant research group, has published 17 paper in the current year, has excellent CIS scores, and is clearly a strong mentor of our students. He has served on the technical committees of flagship device conferences, such as the IEEE Device Research Conference (DRC) and International Electron Device Meeting (IEDM).	EE
Andrews, Jeffrey	Professor	EE	Dr. Andrews has a great research and publication record and has received several awards. He has had three PhD students complete during the review period. And he has excellent teaching reviews for EE313, a required undergraduate course. His service record in the review period is very strong, including co-chairing the faculty recruiting committee.	EE
Arapostathis, Aristotle	Professor	ME	Prof. Arapostathis is an active researcher in a highly mathematically sophisticated field. His contributions are well appreciated in his community. Moreover, the period under review coincides with some of his most productive years, and also marks a period of continued and increased recognition from his community. He teaches core courses in the department. His service to the department, university and also his broader research community are all solid.	ME
Baccelli, François	Professor	EE	Dr. Baccelli is half-time in ECE. He has solid teaching and an excellent publication and mentoring record.	EE
Banerjee, Sanjay	Professor	EE	Prof. Banerjee's research productivity and impact are exemplary. He receives excellent reviews of his teaching from both students and peers, and his service to the research community and to the University are solid.	EE
Bank, Seth	Professor	EE	Dr. Bank is a consistently strong researcher, considering all measures (inputs, outputs, students). His teaching quality is also extremely high, as is his service to the department (e.g., faculty recruiting)	EE

# Case 1:19-cv-00877-RP Document 38-2 Filed 09/21/21 Page 535 of 543

	_			_
Barber, Suzanne	Professor	EE	Dr. Barber has high publication productivity, excellent funding, and a solid mentoring program. She has very high teaching scores that are way above average in the department, especially considering the size of the class and the quality of the student comments. It is obvious that Dr. Barber puts a lot of time into her teaching.	EE
Bovik, Alan	Professor	EE	Dr. Bovik has a superb record. His teaching is very strong, and his has very high research visibility. His group is large with a great track record, spannning funding and publications.	EE
Caramanis, Constantine	Professor	EE	Prof. Caramanis is leading a large research group, his publication productivity is high, the group is well-funded from a diverse set of funding sources. His teaching evaluations are excellent and he is notably active in creating and modifying his course offerings. His service, including as an WNCG director, is outstanding. Very active in outreach as well.	EE
Chen, Ray	Professor	EE	Dr. Chen has consistently attracted significant research funding, including a second MURI program. His publication and research record are excellent. His teaching and service are also very good.	EE
Cuevas, Al	Associate Professor of Instruction	ME	Dr. Cuevas has a good teaching record with a mix of student feedback on courses. He teaches undergraduate service courses and has nothing to indicate a concern with his instructional contributions.	ME
de Veciana, Gustavo	Professor	EE	Dr. de Veciana has had excellent teaching and service to the department in the period under review. He also has a very strong research record.	EE
Dimakis, Alex	Associate Professor	EE	Dr. Dimakis as a reasonable number of publications in top venues in his area, including the Annals of Statistics. His significant levels of fundraising (with good levels of continuity) support a good suzed group. He has also had excellent service to the department and externally. His teaching is excellent.	EE
Dodabalapur, Ananth	Professor	EE	Prof. Dodabalapur has a very solid research record over his career and within the period of review. His teaching is good, and he is a significant contributor to the first introductory EE course in the department. He is also a substantial contributor in service to his research community and to the university.	EE

Eberlein, Mary	Associate Professor of Instruction	ME	Dr. Eberlein is a professor of instruction whose primary responsibility is classroom teaching. While student feedback on the course surveys is somewhat negative, peer evaluation is more positive, and Dr. Eberlein's personal reflection indicates that the instructor is working to adjust the course and material. The department should provide Dr. Eberlein support in improving her teaching.	
Erez, Mattan	Professor	EE	Dr. Erez has high research and publication productivity and a good amount of research funding. He has also won industry faculty awards. His teaching record is also strong and he performs a significant amount of service to the department.	EE
Evans, Brian L	Professor	EE	Dr. Evans has excellent service to the department and to the university. His teaching is also excellent (off the charts). Research productivity and studetn supervision are high.	EE
Fagelson, William	Assistant Professor of Instruction	EE	Dr. Fagelson has made outstanding contributions to teaching, advising, and mentoring students in the department. In addition, he has engaged proactively in many activities beyond teaching, including developing the writing curriculum for our students.	EE
Garg, Vijay K	Professor	EE	Prof. Garg's research productivity during the review period has been high. He is also an excellent instructor whose teaching has been recognized by a Lepley ECE Departmental Teaching Award. His service to the department, university and also his broader research community are all solid.	EE
Gerstlauer, Andreas	Associate Professor	EE	Dr. Gerstlauer has shown a high research productivity, with a good amount of funding and several invited talks. He received a best paper runner up award. He has very strong teaching evaluations, and his level of service to the department is great.	EE
Gharpurey, Ranjit	Professor	ME	Dr. Gharpurey's recent activities have been related to expanding his resesarch into a new area. He has a modestly funded research program, good publication record, good mentoring and teaching.	ME
Ghosh, Joydeep	Professor	EE	Prof. Ghosh leads a top-notch research program, producing impactful and high visibility results. Alumni from his group have been placed in top industry and academic positions. He teaches large required undergraduate courses, and very popular graduate courses. He provides significant service to the department, the university and his broader academic community.	EE

Gligoric, Milos	Assistant	EE	Dr. Gligoric has an excellent publication record and excellent funding for an assistant	
	Professor		professor. He has one PhD student completed and three in the pipeline. On the teaching side, Dr. Gligoric has taken on the honor's version of 312 and is excelleing at it (while also excelling at graduate teaching). For the service side, there is perhaps too much service,	
			but Dr. Gligoric is an excellent contributor both internally and externally. Within the department his contributions to faculty recruiting are particularly notable.	EE
Hall, Neal	Associate	ME	Dr. Hall has a good publication record, solid funding to date. In the review period, funding	EE
	Professor		and mentoring appear to flatten a little. He has modest sized group with a few PhD students in the pipeline. His teaching is excellent.	ME
Hallock, Gary	Professor	NR	Retiring 8/31/20, so PT review was not scheduled; does not need a review at all; Include note here reflecting this.	NR
Hanson, Alex	Assistant Professor	NR	Hired 9/1/19; will not have 18-19 activity; no review needed.	NR
Heath, Robert	Professor	EE	Dr. Heath has high research productivity and solid service, including his leadership of the UT-SAVES center. He has received many awards an given many invited talks. He also has great teaching evaluations.	EE
Huang, Alex Q	Professor	EE	Prof. Huang leads a large 20+ group of students and 3 post-docs supported by a significant amount of research funding. 3 PhD students graduated during this period. He has a very strong publication record. Teaching record is solid, but the numbers indicate that it is an area that requires continued focus. He has served on the Faculty Council and his overall	
Incorvia, Jean	Assistant	EE	Service record is strong  Dr. Incorvia has established a vibrant research group and has recently received the NSF	EE
Anne	Professor		Career award. In the period under review, she has an impressive number and level of invited talks. Her publication record is good, with a notable commitment to undergraduate researchers. The size of her group is good, and her level of service is	
			perfect for an assistant professor, with contributions to the department and in outreach.	EE
John, Lizy K	Professor	EE	Prof. John's efforts in teaching, research, and service are all exemplary. She is an accomplished teacher in both undergraduate and courses; her research is prolific and highly visible, and she is a valued contributor to the department, university, and her technical research community	EE

Julien, Christin	e Professor	EE	Christine's record of teaching is superb. In addition to being outstanding in the classroom, she shows pioneering leadership in developing her classes, as well as in her service in revising the entire curriculum of ECE. Her research is very solid and her publication record is reasonable. She supports a good size group through competitive NSF and NIH grants with several large proposals pending. Her service to the department and university through a variety of committees and her leadership in organizing Edison Lectures is very strong.	EE
Khurshid, Sarfraz	Professor	EE	Great publication record and good funding. Solid pipeline of students, making good progress. External service is excellent, though internal service could be increased. Excellent teaching, and students report that Dr. Khurshid is engaged and attentive to their questions and concerns	EE
Kim, Hyeji	Assistant Professor	NR	Hired 1/16/20; will not have 18-19 activity; no review needed.	NR
Kulkarni, Jaydeep	Assistant Professor	EE	Dr. Kulkarni's research productivity and funding are good, especially for an assistant professor. He has multiple students in the pipeline, several invited talks, lots of publications, and funding from a variety of sources (NSF and industry). His service (internal and external) is good. Student comments on his teaching indicate that he immediately and directlry incorporates student feedback, and Dr. Kukarni's own teaching reflection reinforces this.	
Lee, Jack	Professor	ME	Dr. Lee performs a good amount of service for the department as the head of the Graduate Studies Committee. His research productivity through publications is excellent, and he maintains a modestly sized research group with reasonable funding.	ME
Marculescu, Diana	Professor	NR	Hired 12/1/19; will not have 18-19 activity; no review needed.	
Marculescu, Radu	Professor	NR	Hired 1/16/20; will not have 18-19 activity; no review needed.	
McDermott, Mark	Professor of Practice	EE	Dr. McDermott has an excellent instructional record, notably teaching both undergrad and graduate courses. He has developed a new entrepreneurial course and routinely brings the state of the art with respect to tech to the classroom.	EE
Metcalfe, Robert	Professor	NR	ECE faculty cmtee has not historically reviewed Metcalfe. Note: PT review was due this Fall19, but has been deferred due to LoA 19-20 (for the eventual PT, Dean's Office will likely form a special committee).	NR

Millan, Jose	Professor	NR	Hired effective 9/1/19: no 18-19 activity; no review needed.	NR
Mokhtari,	Assistant	NR	Hired effective 9/1/19: no 18-19 activity; no review needed.	
Aryan	Professor			NR
Nandakumar, Vallath	Lecturer (proposed title: Asst Prof of Instctn)	ME	Dr. Nandakumar has clearly reflected on recent student and peer feedback and adjusted his teaching in response. While there are some continuing concerns for the teaching record, the overall quality of student reviews is improved, and his personal reflection indicates the changes he has made.	ME
Neikirk, Dean	Professor	NR	(Should not need a review; verify with Dean's Office)	NR
Nikolova,	Assistant	ME	Dr. Nikolova was on Modified Instructional Duty in Fall 2018; this review is for Spring 2019	
Evdokia	Professor	IVIE	activity only. Dr. Nikolova has a reasonable publication and teaching record. She maintains a modestly funded research group. During this period, her service to the department was relatively low, but this is also reasonable, given the semester of leave.	ME
Orshansky, Michael	Professor	EE	Professor Orshansky had three PhD students graduating in the current review period, and had excellent levels of funding. The teaching is quite good as well. The research productivity (papers) is reasonable, including two best paper nominations	EE
Pan, David Z	Professor	EE	Prof. Pan is a very active researcher in integrated circuits design and computer aided design for manufacturability, reliability, security, machine learning and hardware acceleration. His contributions are very well appreciated in his community. During the period under review, he was elevated to IEEE and SPIE fellow, and received the SRC Technical Excellence award, and many of his contributions co-authored with students have received best paper awards. His teaching record is very good. His service to the department, university and also his broader research community are all solid.	EE
Patt, Yale	Professor	ME	Dr. Patt has published a single research paper in the period under review, but in the top venue in his research area. He has one PhD student completed, with several in the pipeline. All students are fully funded with gift funding. Dr. Patt's research is highly visible; he has received multiple awards and given multiple invited talks. Based on the student feedback on teaching and the peer teaching evaluation, teaching is good. Students in the graduate course comment on the need for a textbook; Dr. Patt's FAR includes the plans for such a book.	

Porter, Emily	Assistant Professor	NR	Hired 9/1/19; no 18-19 activity; no review needed.	NF
Priebe, Roger	Associate Professor of Instruction	EE	Dr. Priebe's teaching is excellent, well above average for the department, even though he teaches a large required undergraduate course. Beyond teaching, though, he also serves externally on the SIGCSE program committee and is active in the CS education community. His shoes are big ones for the department to fill.	EE
Register, Frank	Professor	EE	Dr. Register maintains a relatively small group size but continues to publish his work in very good venues, attesting to the high quality of his work. He was the general chair of a major conference in his area. As the graduate advisor for the department, he performs an extremely high level of service to the department.	EE
Sanghavi, Sujay	Associate Professor	EE	Dr. Sanghavi's teaching record is excellent, even given the large undergraduate course. His publication record is stront, and he gave two invited talks and completed a PhD student. He has a solid funding record and performs a reasonable amount of department service.	EE
Santacruz, Pedro	Assistant Professor of Instruction	EE	Dr. Santacruz joined in January 2019, and Spring 2019 was his first semester teaching in the program. There is therefore very little data here. The CIS forms are not available for Spring 2019, so we just have the numbers, which are good for a first semester. The peer evaluation, including the instructor's reflection are quite good.	EE
Santoso, Surya	Professor	EE	Dr. Santoso record shows very strong publications (in both number and quality), a good level of funding, and a strong number of students. He also makes solid contributions to the department by serving on many committees. His teaching is excellent.	EE
Shakkottai, Sanjay	Professor	EE	Dr. Shakkottai excels across the board at teaching, research, and service. He also served as the director of WNCG in this period.	EE
Shankar, Shyam	Assistant Professor	NR	Hired 9/1/19; no 18-19 activity; no review needed.	NF
Soloveichik, David	Assistant Professor	EE	Dr. Soloveichik is doing fundamental research work, and he has a solid publication record and great funding. His research group is on the small side, but Dr. Soloveichik describes efforts to grow the size of the group. Excellent teaching record, and his service (both internal and external) is great for an assistant professor.	EE

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Sun, Nan	Associate	EE	Dr. Sun has excellent research productivity, visibility, funding, and student advising. He	
Sull, Ivall	Professor			
	Professor		gave a large number of invited talks and received several awards. He was on an FRA during	
			the review preiod so has no teaching record. Service is reasonable both internally and	II
			externally.	EE
Swartzlander,	Professor	ME	Dr. Swartzlander maintains a small research group and a modest level of funding. In the	
Earl			review period, the group had good output, including five patents. Dr. Swartzlander's	
			teaching is excellent.	M
Tamir,	Assistant	NR	Hired 1/16/20; no 18-19 activity; no review needed.	
Jonathan	Professor			NI
Telang, Nina	Associate	EE	Dr. Telang is a model instructional faculty in the department. Not only is her teaching	1
	Professor of		outstanding, she is also a significant contributor to the department in other ways,	
	Instruction		developing new courses and course materials, undertaking new initiatives for student	l
			wallpace and mantal health atc	EE
Tewfik, Ahmed	Professor	EE	In 2018-19, Dr. Tewfik served as chair of the department and taught no classes. He has	
			provided excellent leadership and service to the department	EE
Thomaz,	Associate	NR	Dr. Thomaz did not submit a FAR for 2018-19. The committee believes she was on leave	
Andrea	Professor		the entire review period. No review was done.	NF
Thomaz, Edison	Assistant	ME	Dr. Thomaz has a good publication record and excellent service, including service within	1
	Professor		the department, the university, and in the external research community. His funding is	
			reasonable but could be improved; based on the information about submitted proposals,	
			this will likely change. Teaching is also good, based on positive comments on the student	
			feedback forms.	M
Tiwari, Mohit	Associate	EE	Dr. Tiwari has an excellent publication record and a well funded research group. He has	1
,	Professor		received multiple best paper awards and nominations. His teaching record is good, and he	
			excels at supervising undergraduate research.	EE
Touba, Nur	Professor	EE	Prof. Touba's research has high impact; he is very discerning in his choice of venues for	
,			publication of his work. He maintains a reasonably sized but high impact research group.	
			He clearly excels at teaching and has taken on a significant amount of service	
			contributions in the department and his technical community.	
			contributions in the department and his technical confinitionty.	M
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Tutuc, Emanue	I   Professor	EE	Prof. Tutuc's teaching record is excellent. In the reporting period, three of his PhD students completed their degrees (one was co-advised), and he continues to support and advise a robust research group. He has a strong publication record with an excellent number and quality of journal and conference publications during the review period. He also has a solid funding level, including projects from NSF, SRC, and industry and has performed external service as an editor for APL.	
				EE
Valvano, Jonathan	Professor	ME	Dr. Valvano has a modest but increasing research program, with some funding, one publication, and a few students. Teaching is good. Service to the department (as undergraduate advisor) is excellent.	M
Vikalo, Haris	Professor	EE	Dr. Vikalo has a solid publication record with good funding to support a solid research group. He has a great teaching record and good service to the department.	EE
Vishwanath, Sriram	Professor	EE	Dr. Vishwanath has a solid teaching record in EE351K. Lots of publications and invited talks, and a very large research group with adequate funding.	EE
Wasserman, Daniel M	Associate Professor	EE	Dr. Wasserman has a strong publication record, exceptional teaching record and has provided significant amounts of service to the department.	EE
Wuster, Tracy	Assistant Professor of Instruction	ME	Dr. Wuster has a very solid instructional record. Reviews from students and peers indicate that he is a good lecturer and attentive to student needs.	MI
Yerraballi, Ramesh	Professor of Instruction	EE	Dr. Yerraballi maintains a consistently excellent teaching record. Beyond this, though he has also contributed to the development of new course materials in the department and to a broad array of service within the department and across the university.	EE
Yilmaz, Ali	Professor	EE	Dr. Yilmaz's performance is high in all aspects. He has a great publication record, good sized group, healthy funding, including recent funding. He received a couple of research awards from the Oden Institute. Teaching is also good.	EE
Yu, Edward	Professor	EE	Dr. Yu is exceptional in all aspects: research, which includes directing the first MRSEC center at UT, teaching, with very substantive contributions to both undergraduate and graduate courses, and consistent and significant service to the department.	EE

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Zhu, Hao	Assistant	EE	Dr. Zhu is a highly visible researcher, with a healthy, impactful, and sustainable research	
	Professor		program. Her teaching is improving, and her reflection demonstrates her commitment to	
			continuous improvement in teaching. Finally, her service to her research community and	
			the department are well above the norm for assistant professors at similar stages of their	
			careers.	EE